

Société Des Indes Britanniques

CAJA 3  
CARPETA  
1

CÁMARA DE LOS COMUNES "Sesión de 1982-83"

= GRAN BRETAÑA =

Nº



4405

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Solicitado por Ger Olino

HOUSE OF COMMONS

MINUTES OF THE  
PROCEEDINGS

OF THE  
FOREIGN AFFAIRS  
COMMITTEE



Session 1982-83

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*Ordered by The House of Commons to be printed*  
*11 May 1983*

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EJEMPLAR DE ARCHIVO



The Foreign Affairs Committee is appointed under SO No 99 to examine the expenditure, administration and policy of the Foreign and Commonwealth Office and of associated public bodies.

The Committee consists of eleven Members, of whom the quorum is three. Unless the House otherwise orders, all Members nominated to the Committee continue to be members of it for the remainder of the Parliament.

The Committee has power:

- (a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;
- (b) to appoint persons with technical knowledge either to supply information which is not readily available or to elucidate matters of complexity within the Committee's order of reference.

The Committee has power to appoint one sub-committee and to report from time to time the minutes of evidence taken before it. The sub-committee has power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, and to adjourn from place to place. It has a quorum of three.

The membership of the Committee since its appointment is as follows:

Sir Anthony Kershaw (Chairman)

Mr Robert Banks (*appointed 12.11.82*)  
Miss Betty Boothroyd  
(*discharged 3.4.81*)  
Mr Christopher Brocklebank-Fowler  
(*discharged 5.6.81*)  
Mr Dennis Canavan (*appointed 12.2.82*)  
Mr Eric Deakins (*discharged 21.1.83*)  
Mr George Foulkes (*appointed 3.4.81*)  
Sir Anthony Grant (*discharged 6.5.83*)  
Mr Eldon Griffiths  
Mr Frank Hooley  
Mr Ivan Lawrence (*appointed 6.5.83*)  
Mr Jim Lester (*appointed 13.7.82*)

Mr Kevin McNamara  
(*discharged 12.2.82*)  
Sir Peter Mills  
(*discharged 12.11.82*)  
Sir Anthony Royle  
(*discharged 12.11.82*)  
Mr Nigel Spearing  
Mr Cyril Townsend  
(*appointed 12.11.82*)  
Mr Michael Welsh  
(*appointed 21.1.83*)  
Mr Bowen Wells  
(*appointed 5.6.81, discharged 13.7.82*)



- = Sesiones de la Comisión KERSHAW entre el 10 NOV 82 y 10 MAY 83.
- = Objeto de este Informe:
- "Considerar el futuro de la política exterior británica en relación con las Islas Falklands y Dependencias, Antártida y Estados Sudamericanos adyacentes, haciendo uso de:
- a. El Informe FRANKS respecto de los eventos inmediatamente precedentes a la invasión argentina el 02 Abr 82.
  - b. Las evidencias del Departamento de Gobierno y otras fuentes locales y externas."
- = Fue tratado el 11 de mayo de 1983 en el Comité de Asuntos Exteriores de la Cámara de los Comunes (Se trata de las Minutas a que hice referencia en mi comunicación al Plenario del IUMA del 14 ABR 97)
- = El Informe responde al siguiente índice:

INFORME PRELIMINAR DEL CHAIRMAN SOBRE LA POLÍTICA  
PARA LAS ISLAS FALKLANDS

1. INTRODUCCION

- El problema de las Falklands.
- El interrogatorio del Comité.
- Visitas al exterior en conexión con este interrogatorio.

2. LA DISPUTA POR LA SOBERANIA

- Los reclamos del Reino Unido por las Falklands.
- El reclamo argentino por Malvinas.
- El seguimiento de los reclamos argentinos y de Gran Bretaña por las Falklands.
- La cuestión de la autodeterminación.

3. EL CONTEXTO POLITICO INTERNACIONAL DE LA DISPUTA

- La iniciativa argentina en las NU.
- Las negociaciones anglo-argentinas previas al 02 Abr 82.
- El efecto de la invasión argentina sobre la disputa.
- La disputa en las NU después del 02 Abr 82.
- Actitudes de las NU tendientes a la resolución de la disputa.
- Conclusiones generales.

4. QUE IMPLICA LA PRESENTE SITUACION PARA GRAN BRETAÑA, ARGENTINA Y LOS ISLEÑOS.

- La posición británica.
- La dimensión argentina.
- Conclusiones.
- La visión de los isleños sobre el futuro.

5. SEGURIDAD REGIONAL, LAS DEPENDENCIAS DE LAS FALKLANDS Y LA ANTARTIDA.

- Las Dependencias.
- La Antártida.
- Los recursos regionales.
- El balance de poder en el Atlántico Sur.

6. POLITICAS ALTERNATIVAS.

- Introducción.
- Enfoques bilaterales:
  - .Condominio.
  - .Dependencias.
  - .Arbitraje.
  - .Titularidad de soberanía.
  - .Leaseback.
- El enfoque de la seguridad multilateral.
- Los buenos oficios de los EEUU.
- Los buenos oficios Latinoamericanos.
- Otros buenos oficios.
- Confianza mutua (Status internacional bajo NU)
- Otras opciones (Integración con el RU- Independencia- Abandono)
- La opción Antártica
- Conclusiones.



PROCEEDINGS OF THE FOREIGN AFFAIRS COMMITTEE  
SESSION 1982-83

WEDNESDAY 10 NOVEMBER 1982

Members present:

Mr Eric Deakins  
Mr George Foulkes  
Mr Frank Hooley

Mr Jim Lester  
Mr Nigel Spearing

In the absence of the Chairman, Mr Frank Hooley was called to the Chair.

*Resolved*, That the Sub-Committee do visit the Food and Agriculture Organisation in Rome in January 1983. — (*Mr Frank Hooley*).

*Ordered*, That the Chairman do seek the approval of the Liaison Committee for expenditure in connection with the said visit. — (*The Chairman*).

*Ordered*, That the provisions of Standing Order No 85 (Select Committees (Reports)) be applied to the Fourth Report of the Committee (The Work of the Commonwealth Development Corporation) in the last Session of Parliament. — (*The Chairman*).

Mr J B Ure, CMG, MVO, Assistant Under Secretary of State, Mr R Westbrook, Deputy Head, Falkland Islands Department, Mr C C Bright, Falkland Islands Department and Dr J A Heap, Head of Polar Regions Section, South America Department, Foreign and Commonwealth Office, were called in and examined.

The Committee further deliberated.

[Adjourned till Monday 15 November at 4.15 pm.]

MONDAY 15 NOVEMBER 1982

Members present:

Mr Eric Deakins  
Mr Eldon Griffiths  
Mr Frank Hooley

Mr Nigel Spearing  
Mr Cyril D Townsend

In the absence of the Chairman, Mr Eldon Griffiths was called to the Chair.

*Ordered*, That Mr Eldon Griffiths be discharged from the Sub-Committee and Mr Robert Banks and Mr Cyril D Townsend be added thereto. — (*The Chairman*).

Mr J B Ure, CMG, MVO, Assistant Under Secretary of State, Mr R Westbrook, Deputy Head, Falkland Islands Department and Mr C C Bright,



Falkland Islands Department, Foreign and Commonwealth Office, were called in and further examined.

The Committee further deliberated.

[Adjourned till Monday 22 November at 4.15 pm.]

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MONDAY 22 NOVEMBER 1982

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

The Committee deliberated.

Mr T H L Prothero, Chairman, Latin American Trade Advisory Group, Mr J M Heale, Director, Canning House and Mr J C Walford, Barclays Bank International, representing the Latin American Trade Advisory Group, were called in and examined.

Dr G di Tella was called in and examined.

Mr G Makin was called in and examined.

The Committee further deliberated.

[Adjourned till Monday 6 December at 4.15 pm.]

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MONDAY 6 DECEMBER 1982

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr George Foulkes  
Mr Frank Hooley

Mr Jim Lester  
Mr Nigel Spearing

The Committee deliberated.

The Lord Shackleton, KG, OBE, attending by leave of the House of Lords, was examined.

Mr R H Johnson was called in and examined.

In the absence of the Chairman, Mr Frank Hooley was called to the Chair.

The Committee further deliberated.

*Resolved*, That Falkland Islands residents should be invited to submit written evidence and that this invitation should be communicated to the Islanders by the Civil Commissioner. — (Mr Frank Hooley).

[Adjourned till Monday 13 December at 4.15 pm.]

MONDAY 13 DECEMBER 1982

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Anthony Grant  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

The Committee deliberated.

Sir Hermann Bondi, Chairman, Natural Environment Research Council; and Dr R Laws, Director, Dr C W M Swinbank, Head of Earth Sciences, and Dr M J Rycroft, Head of Atmospheric Sciences, British Antarctic Survey, were called in and examined.

Professor D H Griffiths, Professor of Geophysics and Head of Geological Sciences, Birmingham University, and Dr P F Barker, were called in and examined.

Dr P J Beck was called in and examined.

Draft Report (The Wiston House International Conference Centre (Wilton Park)), proposed by the Chairman, brought up and read the first time.

*Ordered*, That the proposed Report be read a second time, paragraph by paragraph.

Paragraph 1 read and agreed to.

Paragraphs 2 and 3 read, amended and agreed to.

Paragraphs 4 and 5 read and agreed to.

Paragraphs 6 to 8 read, amended and agreed to.

*Resolved*, That the proposed Report, as amended, be the First Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

Several papers were ordered to be appended to the Minutes of Evidence taken before the Committee on 25 October in the last Session of Parliament.

*Ordered*, That the provisions of Standing Order No 85 (Select Committees (Reports)) be applied to the Report.

The Committee further deliberated.

[Adjourned till Monday 20 December at 4.15 pm.]

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MONDAY 20 DECEMBER 1982

Members present:

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

In the absence of the Chairman, Mr Eldon Griffiths was called to the Chair.

The Committee deliberated.

The Rt Hon Francis Pym, MC, a Member of the House and Secretary of State for Foreign and Commonwealth Affairs, was examined.

Sir Antony Acland, KCMG, KCVO, Permanent Under Secretary of State, Foreign and Commonwealth Office, and Head of the Diplomatic Service, was called in and examined.

The Committee further deliberated.

*Ordered*, That copies of the uncorrected typescripts of the evidence given by the Rt Hon Francis Pym, MC, and by Lord Shackleton on 6 December be deposited in the Library and made available to Members on request. — (*The Chairman*).

[Adjourned till Monday 17 January 1983 at 4.15 pm.]

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MONDAY 17 JANUARY 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Sir Anthony Grant  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

The Committee deliberated.

*Ordered*, That strangers be not admitted during the examination today of Foreign and Commonwealth Office officials. — (*The Chairman*).



Mr M Deas was called in and examined.

Professor James Fawcett was called in and examined.

*Ordered, That strangers do now withdraw. — (The Chairman).*

Sir Ian Sinclair, KCMG, Legal Adviser, Mr J R Freeland, CMG, Second Legal Adviser, Mr K J Chamberlain, Legal Counsellor, and Mr J A Penny, Head of American Section, Research Department, Foreign and Commonwealth Office, were called in and examined.

The Committee further deliberated.

[Adjourned till Monday 24 January at 4.15 pm.]

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MONDAY 24 JANUARY 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths  
Mr Frank Hooley

Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

The Committee deliberated.

*Ordered, That Mr Michael Welsh be added to the Sub-Committee. — (Mr Frank Hooley).*

Sir Nigel Fisher, MC and Mr Eric Ogden, Members of the House, representing the United Kingdom Falkland Islands Committee, were examined.

Sir John Barlow Bt, Chairman, Sir Miles Clifford, KBE, CMG, Vice-Chairman, Mr J Dodwell, Committee Member, and Mr A Cameron, United Kingdom Falkland Islands Committee, were called in and examined.

Mr C Smith, Chairman, DS & Co (Sheepfarming) Ltd, was called in and examined.

The Committee further deliberated.

[Adjourned till Tuesday 1 February at a time to be arranged by the Chairman.]

TUESDAY 1 FEBRUARY 1983

MEETING HELD AT THE RESIDENCY, ASCENSION ISLAND

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

The Committee deliberated.

[Adjourned till Thursday 3 February at 8.15 am.]

THURSDAY 3 FEBRUARY 1983

[MORNING SITTING]

MEETING HELD IN THE LOUNGE OF THE UPLAND GOOSE HOTEL  
AND SUBSEQUENTLY AT THE TOWN HALL, STANLEY, EAST  
FALKLAND

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

The Committee deliberated.

*Ordered*, That Mr Eldon Griffiths and Mr Frank Hooley should participate in a live radio discussion the following evening on the Falkland Islands Broadcasting Service. — (*The Chairman*).

The Committee adjourned to the Town Hall.

Sir Rex Hunt, CMG, Civil Commissioner, Falkland Islands, was called in and examined.

Mr Brook Hardcastle, General Manager, Falkland Islands Company, was called in and examined.

Mrs V Malcolm, Secretary, Mr J King and Mr G Cheek, of the Falkland Islands Committee, were called in and examined.

Mr J Clement and Mr S Miller, CBE, were called in and examined.

[Adjourned till this day at 2.15 pm.]

THURSDAY 3 FEBRUARY 1983

[AFTERNOON SITTING]

MEETING HELD AT THE TOWN HALL, STANLEY, EAST FALKLAND

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Mr S Wallace was called in and examined.

Mr D Davidson and Mrs M Davidson were called in and examined.

Mrs J Cheek was called in and examined.

Mr G Bound was called in and examined.

[Adjourned till Friday 4 February at 8.30 am.]

FRIDAY 4 FEBRUARY 1983

[MORNING SITTING]

MEETING HELD IN THE LOUNGE OF THE UPLAND GOOSE HOTEL  
AND SUBSEQUENTLY IN THE TOWN HALL, STANLEY, EAST  
FALKLAND

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

The Committee deliberated.

The Committee adjourned to the Town Hall.

Mr A T Blake, Elected Member, Mr R E Binnie, Elected Member, Mr F E Baker, OBE, Chief Secretary and *ex officio* Member, Mr H T Rowlands OBE, Financial Secretary and *ex officio* Member, Mr L G Blake, OBE, Elected Member, Mr W H Goss, MBE, Elected Member, Mr J E Cheek, Elected Member and Mr M C L Gaiger, Attorney General and Legal Adviser, of the Falkland Islands Legislative Council, were called in and examined.

Mr W Bowles was called in and examined.



Mr J Smith was called in and examined.

Mr D Evans was called in and examined.

Mr T Spruce, Stanley Manager, Falkland Islands Company, was called in and examined.

Mr P Watts, Manager, Falkland Islands Broadcasting Service, was called in and examined.

[Adjourned till this day at 2.15 pm.]

FRIDAY 4 FEBRUARY 1983

[AFTERNOON SITTING]

MEETING HELD AT THE TOWN HALL, STANLEY, EAST FALKLAND

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Mr J Reid, Falkland Islands Government Development Officer, was called in and examined.

Mr J Ferguson, Head of the Grasslands Trials Unit, was called in and examined.

Mr N Bennett, Acting Secretary, General Employees' Union, was called in and examined.

[Adjourned till Monday 7 February at 9.15 am.]

MONDAY 7 FEBRUARY 1983

MEETING HELD AT GOVERNMENT HOUSE, STANLEY, EAST FALKLAND

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

The Committee deliberated.

*Ordered*, That Strangers be not admitted at this day's sitting. — (*The Chairman*).

Major General D C Thorne, CBE, Military Commissioner and Commander, British Forces, Falkland Islands, was called in and examined.

Sir Rex Hunt, CMG, Civil Commissioner, was called in and further examined.

The Committee further deliberated.

[Adjourned till Monday 14 February at 4.00 pm.]

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MONDAY 14 FEBRUARY 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan  
Mr George Foulkes  
Sir Anthony Grant  
Mr Eldon Griffiths  
Mr Frank Hooley

Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

The Committee deliberated.

Mr C Needham, Chairman, Coalite Group PLC and Chairman, Falkland Islands Company, was called in and examined.

Mr R A Browning, Mr M A Pattison, Head of Falkland Islands Department, Mr M W Todd, Engineering Adviser, and Mr N D Bailey, Economic Adviser, Overseas Development Administration, were called in and examined.

Sir Bernard Braine, DL, a Member of the House, was examined.

The Committee further deliberated.

[Adjourned till Monday 21 February at 4.15 pm.]

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MONDAY 21 FEBRUARY 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr George Foulkes  
Mr Eldon Griffiths  
Mr Frank Hooley

Mr Jim Lester  
Mr Cyril D Townsend  
Mr Michael Welsh

The Committee deliberated.

Mr Frank Hooley reported from the Sub-Committee that they had agreed (i) to inquire into aid to Bangladesh and (ii) to inquire into the ODA Main Estimates 1983-84 in respect of the ODA's support for overseas students.

Mr Cranley Onslow, a Member of the House and Minister of State for Foreign and Commonwealth Affairs, was examined.

Mr A E Palmer, Head of the Falkland Islands Department, Foreign and Commonwealth Office, was called in and examined; and Mr R Westbrook, Deputy Head, Falkland Islands Department, Foreign and Commonwealth Office, was called in and further examined.

Report from the Sub-Committee (Turks and Caicos Islands: Airport Development on Providenciales) brought up and read.

*Ordered*, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 29 read and agreed to.

*Resolved*, That the Report be the Second Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That the provisions of Standing Order No 85 (Select Committees (Reports)) be applied to the Report.

*Ordered*, That a copy of the uncorrected typescripts of evidence taken in public in the Falkland Islands should, when obtained, be deposited in the Library and made available to Members on request. — (*The Chairman*).

[Adjourned till Monday 28 February at 4.15 pm.]

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MONDAY 28 FEBRUARY 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Sir Anthony Grant  
Mr Eldon Griffiths  
Mr Frank Hooley

Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

The Committee deliberated.

*Resolved*, That the Sub-Committee do visit Bangladesh in July 1983. — (*Mr Frank Hooley*).

*Ordered*, That the Chairman do seek the approval of the Liaison Committee for expenditure in connection with the said visit. — (*The Chairman*).



The Committee further deliberated.

*Resolved*, That the Committee agree to meet Members of the Foreign Affairs Committee of the Spanish Cortes on Thursday 17 March. — (*The Chairman*).

*Ordered*, That the Chairman propose to the Liaison Committee that a debate be arranged on the proposed Estimates Day in relation to the Spring Supplementaries on a motion to reduce the Supplementary Estimate for sub-head C 3(6) of Class II, Vote 10, to facilitate discussion of the Committee's Second Report of this Session on Airport Development on Providenciales. — (*The Chairman*).

[Adjourned till Monday 7 March at 4.15 pm.]

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MONDAY 7 MARCH 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley

Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

The Committee deliberated.

*Ordered*, That Mr R Bristow be appointed Specialist Adviser to assist the Sub-Committee in their inquiry into the ODA Main Estimates 1983-84 (Support for Overseas Students). — (*Mr Frank Hooley*).

*Resolved*, That the Committee's next main inquiry should be into the advantages and disadvantages of the UK ratifying the UN Law of the Sea Convention. — (*The Chairman*).

Draft Report (Wilton Park: Supplementary Report), proposed by the Chairman, brought up, read the first and second time, and agreed to.

*Resolved*, That the Report by the Third Report of the Committee to the House.

Two papers were ordered to be appended to the Report.

*Ordered*, That the Chairman do make the Report to the House.

[Adjourned till Monday 28 March at 4.15 pm.]

MONDAY 28 MARCH 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Denis Canavan  
Mr George Foulkes  
Sir Anthony Grant  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

The Committee deliberated.

*Ordered*, That Professor E D Brown be appointed Specialist Adviser to assist the Committee in their inquiry into the UN Law of the Sea Convention. — (*The Chairman*).

Draft Special Report (Government Observations on the First and Third Reports from the Committee, Session 1982–83 (Wilton Park)), proposed by the Chairman, brought up, read the first and second time, and agreed to.

*Resolved*, That the Report be the First Special Report of the Committee to the House.

A paper was ordered to be appended to the Report.

*Ordered*, That the Chairman do make the Report to the House.

*Resolved*, That, in connection with requests to meet visitors from overseas:

- (i) the Committee will make every effort to meet, as a Committee, parliamentarians from overseas and in particular Members of Foreign Affairs Committees of overseas parliaments;
- (ii) the Committee will normally be prepared to meet, as a Committee, senior representatives of international organisations who are not accredited to any individual government or country;
- (iii) whenever proposals are made by foreign Embassies or High Commissions the Committee should meet other persons from overseas such as government officials, Ministers, industrialists, etc, the Embassy or High Commission concerned should be informed that invitations to meet the persons concerned should be issued to Members on a personal basis, and that the Committee would not, unless otherwise decided in a particular case, meet the persons concerned as a committee; in such cases, meetings could be held in the Palace of Westminster, but not in an official committee meeting room;
- (iv) these decisions will not affect the Committee's freedom to invite, on their own initiative, any overseas person to attend for informal discussions or to give formal evidence. — (*Mr Frank Hooley*).

The Committee further deliberated.

[Adjourned till Monday 11 April at 4.15 pm.]



MONDAY 11 APRIL 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan

Mr Jim Lester

Mr George Foulkes

Mr Cyril D Townsend

Mr Frank Hooley

The Committee deliberated.

Report from the Sub-Committee (The Overseas Development Administration's Scientific and Special Units) brought up and read.

*Ordered*, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 5 read and agreed to.

Paragraph 6 read, amended and agreed to.

Paragraphs 7 to 95 read and agreed to.

Paragraph 96 read, amended and agreed to.

Paragraphs 97 to 104 read and agreed to.

Paragraph 105 read, amended and agreed to.

Paragraphs 106 to 117 read and agreed to.

Several papers (maps illustrating activities of the four scientific and special units) were ordered to be appended to the Report.

*Resolved*, That the Report be the Fourth Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That the provisions of Standing Order No 92 (Select Committees (Reports)) be applied to the Report.

*Ordered*, That the Appendices to the Minutes of Evidence taken before the Sub-Committee be reported to the House. — (*The Chairman*).

*Ordered*, That several Memoranda be reported to the House, and the provisions of Standing Order No 93 (Witnesses and evidence (Select Committees)) be applied to them. — (*The Chairman*).

*Resolved*, That the Committee agree to meet a group of Deputies of the Supreme Soviet of the USSR. — (*The Chairman*).

[Adjourned till Wednesday 20 April at 10.00 am.]



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WEDNESDAY 20 APRIL 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths  
Mr Frank Hooley

Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

The Committee deliberated.

*Ordered*, That Mr S C Jones be appointed Specialist Adviser to assist the Sub-Committee in their inquiry into aid to Bangladesh and that Mr G Hunter, CMG be appointed an additional Adviser in connection with the inquiry. — (*Mr Frank Hooley*).

*Resolved*, That the Committee agree to meet Ambassadors of the La Contadora group of Nations. — (*The Chairman*).

The Chairman reported that he had written to Mr Speaker to draw his attention to the report in *The Times* newspaper of 18 April to seek his agreement that the matter should be given precedence over the Orders of the Day as a matter of Privilege.

[Adjourned till Monday 25 April at 4.15 pm.]

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MONDAY 25 APRIL 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan  
Mr Eldon Griffiths  
Mr Frank Hooley  
Mr Jim Lester

Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

The Committee deliberated.

*Resolved*, That the Committee will visit Palermo to meet parliamentarians and representatives of international organisations attending the Council of Europe Conference on the Law of the Sea. — (*The Chairman*).

*Ordered*, That the Chairman seek the approval of the Liaison Committee for expenditure in connection with the said visit. — (*The Chairman*).

*Resolved*, That, after the summer adjournment of the House, the regular meetings of the Committee should be on Wednesdays at Ten o'clock, unless otherwise agreed. — (*Mr Frank Hooley*).

*Ordered*, That certain papers submitted to the Sub-Committee in connection with their inquiry into the ODA's scientific and special units be deposited in the Library and be made available to Members on request. — (*Mr Frank Hooley*).

The Committee further deliberated.

[Adjourned till Wednesday 27 April at 10.00 am.]

### WEDNESDAY 27 APRIL 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks

Mr Dennis Canavan

Mr George Foulkes

Mr Eldon Griffiths

Mr Frank Hooley

Mr Nigel Spearing

Mr Cyril D Townsend

The Committee deliberated.

Draft Report (A Policy for the Falkland Islands) (sections 1 to 6), proposed by the Chairman, brought up and read, as follows:

### CHAIRMAN'S DRAFT REPORT ON A POLICY FOR THE FALKLAND ISLANDS\*

#### 1. INTRODUCTION

##### **The Falklands problem**

1.1 The invasion of the Falkland Islands by Argentine forces on 2 April 1982 brought to a head a long-running dispute which had increasingly embittered relations between the Argentine Republic and the United Kingdom in the period since the Second World War, and particularly since 1964, when the Argentine

##### *\*Notes*

1. The drafting of section 7 (The Falklands: Economy, Society and Government) and section 8 (Main Recommendations and Conclusions) had not been completed at the time the Chairman's draft Report was brought up for the consideration of the Committee this day.
2. In this draft Report, references to the Minutes of Evidence are indicated by the letter "Q" followed by the number of the Question referred to. References to Memoranda included in the Minutes of Evidence are indicated by the word "Evidence" followed by the number of the page referred to. References to Memoranda included in the Appendices to the Minutes of Evidence are indicated by the word "Appendix" followed by the number of the Appendix referred to.
3. The Minutes of Evidence taken before the Foreign Affairs Committee in connection with their inquiry into the Falkland Islands between 10 November 1982 and 21 February 1983 were published in separate parts as House of Commons Papers 31-i to 31-xiv (Session 1982-83), and the Appendices to the Minutes of Evidence were published as House of Commons Paper 31-xv (Session 1982-83).



Government first actively raised the question of sovereignty over the Falkland Islands at the United Nations.

1.2 The successful re-capture of the Islands and their Dependencies by British forces and the surrender of the Argentine forces on 15 June 1982 both re-affirmed the United Kingdom's commitment to the Islands and their people and demonstrated HM Government's determination to protect them from further attack.

1.3 Nevertheless, however firm the United Kingdom's commitment to the Islands and the Islanders, substantial diplomatic, military, financial and economic problems will continue to confront Britain and the Falkland Islands unless or until a negotiated settlement of the dispute with Argentina is achieved.

#### **The Committee's inquiry**

1.4 Your Committee decided, on 12 July 1982, to undertake an inquiry with the following terms of reference:

"To consider the future of British foreign policy in relation to the Falkland Islands and Dependencies, Antarctica and adjacent South American states, making use of

- (a) the Franks Report in respect of events immediately preceding the Argentine invasion, and
- (b) evidence from Government Departments and other sources at home and overseas".

1.5 We agreed to concentrate on *future* policy towards the Falklands, and not to seek to re-examine the events leading up to the Argentine invasion, except in so far as they might cast light on the nature of the problems presently confronting the United Kingdom Government and on the viability of the alternative diplomatic options open to them. This Report therefore makes no judgement on the conclusions of the Committee of Privy Counsellors, chaired by Lord Franks, whose report was published in January 1983.<sup>1</sup>

1.6 Similarly, it was outwith the remit of Your Committee to examine in detail questions relating to the future defence of the Falkland Islands, which have been studied concurrently by the Select Committee on Defence.

1.7 During our inquiry, we took evidence on nine separate occasions in Westminster, and in five separate meetings in Stanley. Our witnesses in the United Kingdom included officials and legal advisers of the Foreign and Commonwealth Office, economic experts (including Lord Shackleton), historians and political scientists (including two Argentine academics), and representatives of Falkland Island companies. Our final session of evidence, on 21 February, was with Mr Cranley Onslow MP, Minister of State for Foreign and Commonwealth Affairs. A full list of those who gave evidence is reproduced on pages xx-xx\* of this Report.

#### **Overseas visits in connection with the inquiry**

1.8 Members of Your Committee paid two visits overseas in connection with this inquiry. At the beginning of December 1982, four Members visited New

<sup>1</sup> *Falkland Islands Review* (Cmnd. 8787).

\*Not reproduced.



York for informal talks with the United Kingdom Mission to the United Nations, the Secretary General of the United Nations (Sr Perez de Cuellar) and the Permanent Representatives to the United Nations (or their Deputies) of the following countries: the United States of America, Brazil, Canada, Chile, Peru, Uganda, Trinidad and Tobago, Venezuela, Nigeria, Mexico, Jamaica and Uruguay.

1.9 In early February 1983, nine Members paid a five-day visit to the Falkland Islands. During the visit, Your Committee took formal evidence, in public, for two full days, from 28 individuals representing a wide range of Island opinion, and took further evidence, in private, from the Civil Commissioner, Sir Rex Hunt CMG, and from the Military Commissioner, Major-General D C Thorne CBE. Members also visited, in four small groups, more than half the settlements in the Camp, and were able to discuss with a large proportion of the adult population of the Islands their present concerns and their views about the economic and political future of the Islands.

1.10 Your Committee are grateful for the help of the Foreign and Commonwealth Office in the organisation of these visits. In addition, we were most impressed by the logistical support provided by HM Forces during our visit to the Falkland Islands, by the warm welcome and hospitality of the Falkland Islanders, and by the high quality of the evidence given to us by their representatives.

1.11 We were assisted during our inquiry by Dr Walter Little, Lecturer in Latin American Politics at the University of Liverpool. We are grateful for his help and guidance.

## 2. THE DISPUTE OVER SOVEREIGNTY

### The United Kingdom's claim to the Falkland Islands

2.1 According to most British accounts the Falkland Islands were first sighted by the British mariner John Davis, whose ship *Desire* was driven amongst the Islands in August 1592.<sup>1</sup> In 1690, Captain John Strong RN made the first recorded landing on the Falkland Islands from his sloop *Welfare*, and gave them their present English name after Viscount Falkland, the then Treasurer of the Navy. Captain Strong, who was otherwise engaged in privateering against the French, did not take formal possession of the Islands and, according to both Spanish and British accounts, they remained uninhabited until 1764<sup>2</sup>.

2.2 In 1764 a small French settlement was established at Port Louis on East Falkland, but was subsequently sold to Spain, and renamed Port Soledad, in 1767. Meanwhile, after an abortive attempt to send an expedition to the Islands in 1749, a British landing on Saunders Island, off West Falkland, in 1765 was followed in 1766 by the establishment of a settlement, known as Port Egmont, which survived until 1770 when the British settlers were expelled by Spain. The British settlers returned in 1771, following an exchange of declarations between the Spanish and British Governments and agreement to return to the *status quo*, but withdrew in 1774 leaving the British flag flying and a plaque affirming British ownership and possession in the name of King George III.

<sup>1</sup>Eg Mary Cawkwell, *The Falkland Story 1592-1982* (1983), p 1.

<sup>2</sup>Evidence p 1.



2.3 The settlement at Port Soledad on East Falkland continued to be occupied by Spain until 1811. Thereafter, and until 1820, according to British accounts, the Islands were left unoccupied, save by itinerant sealing and whaling ships of various nationalities. After 1820 the new Government in Buenos Aires made several attempts to establish occupancy, including the appointment in 1823 of a Governor (Pablo Areguari) who never actually visited the Islands, the granting of land, grazing and fishing rights to Louis Vernet between 1823 and 1828, and in 1829 the establishment of the Malvinas Political and Military Command (to which the British Government formally objected) and the appointment of Vernet as Commander. In 1831 Vernet seized three American sealing ships for unlawful sealing in Argentine waters, and, in retaliation, the United States corvette *Lexington* sailed to the Islands on the instructions of the US Consul in Buenos Aires and physically destroyed the settlement at Port Soledad, declaring the Islands "free of all Government". The following year Argentina appointed a new Governor, Captain Juan Mestivier, who was murdered by mutinous soldiers soon after his arrival in the Islands.

2.4 In January 1833, on instructions from the Admiralty, Captain Onslow of the British sloop *Clio* arrived with a party of marines to assert British sovereignty in the Islands and, according to British accounts, peacefully persuaded the remnant of the Argentine settlement to withdraw. The Islands were formally established as a Crown Colony in 1840, and the first Governor, Lieutenant Richard Moody, sailed from the United Kingdom in October 1841. Thereafter, a small agricultural community was developed, and Britain remained in effective occupation until 2 April 1982 and, after Argentina's defeat, resumed effective occupation on 15 June 1982.

*The nature of the United Kingdom's claim*

2.5. The United Kingdom's claim to sovereignty over the Falkland Islands was summarised for Your Committee by the Foreign and Commonwealth Office as deriving from "early settlement, reinforced by formal claims in the name of the Crown and completed by effective occupation for nearly 150 years". Moreover, they add, the United Kingdom's exercise of sovereignty over the Islands has "consistently been shown to accord with the freely expressed wishes of the people who form their permanent population"<sup>1</sup>.

2.6 Certain crucial assertions underly Britain's claim. Of these the most important appear to be:

- (i) that the relatively short-lived British settlement on West Falkland between 1766 and 1774 and the assertion of British sovereignty before the settlement was disbanded were sufficient to establish a British title to West Falkland "and all the neighbouring Islands"<sup>2</sup> strong enough to survive the 59 years of British absence before the occupation of 1833<sup>3</sup>;
- (ii) that Britain never recognised (implicitly or explicitly) Spanish title to the Islands, after the Spanish purchase of the Port Louis settlement from France in 1767;
- (iii) that, irrespective of the merits of her earlier title, Spain's withdrawal in

<sup>1</sup>Evidence p 1.

<sup>2</sup>Evidence p 144.

<sup>3</sup>Q 462.



1811 (and the collapse of Spanish rule in Southern America) rendered the Islands uninhabited and, in legal terms, *terra nullius*<sup>1</sup>; and

- (iv) that the attempts by the new Government in Buenos Aires to establish control over the Islands after 1820 did not amount to effective occupation "sufficient to confer a valid title on Argentina"<sup>2</sup>.

All these assertions are, of course, contested by Argentina<sup>3</sup>.

2.7 In terms of contemporary international law and politics, Britain's claim to title are reinforced by her effective occupation of the Islands between 1833 and 1982, although no legal argument in support of this prescriptive right has been formally advanced by the United Kingdom Government<sup>4</sup>; and by Britain's assertion of the relevance to the Falklands population of the principle of the self-determination of peoples as it developed after 1919 and as enshrined in Articles 1 and 73 of the United Nations Charter. It is on this principle that the present British Government bases its support for the "paramountcy" of the Islanders' wishes, although the Legal Adviser to the Foreign and Commonwealth Office did not think it was "frankly possible to quantify the extent to which our title rests on that particular element as opposed to others"<sup>5</sup>.

2.8 Your Committee were told that, although the United Kingdom has not abandoned the claim to the first discovery of the Islands by John Davis in 1592, HM Government "accept that there are conflicting claims and that the historical evidence available at present is obscure and uncertain". Accordingly, the claim to first discovery does not form part of the United Kingdom's claim to sovereignty over the Islands; and; indeed; such claims from whatever source appear to be discounted by modern historians and lawyers<sup>6</sup>.

#### Argentina's claim to the Malvinas

2.9 Argentina's version of the Islands' history differs in certain crucial respects from that of the United Kingdom. In the first place, discovery of the Islands is attributed by Spanish and Argentine historians to the navigator Esteban Gomez, who sailed with Magellan in 1520 (72 years prior to the sighting by John Davis in 1592), and the Islands are said to appear on early Spanish maps and globes but not on English maps of the sixteenth and early seventeenth centuries<sup>7</sup>. As in the case of the United Kingdom, although first discovery does not in itself appear to be advanced by Argentina as the basis of its claim to the Falkland Islands, it provides an important element in argument supporting the claim.

2.10. Similarly, most Argentine statements appear to place some emphasis on the papal bulls *Inter Coetera* and *Dudum di Quidem* and the Treaty of Tordesillas (1497) between Spain and Portugal, which placed the Islands within the Spanish sphere of influence, without advancing these agreements as a formal element in their claim. What is more important, however, is the Argentine belief that Britain, both implicitly and explicitly, recognised Spanish title to the Falklands during the eighteenth century. In support of this belief, Argentine sources cite:

<sup>1</sup>Evidence p 144.

<sup>2</sup>Evidence p 146.

<sup>3</sup>See below, paras 2.9-2.11.

<sup>4</sup>Evidence p 149.

<sup>5</sup>Evidence p1, and QQ 583-5.

<sup>6</sup>Eg QQ 457, 514; Appendix. 12.

<sup>7</sup>See UN Docs A/C.4.109/106 (November 1964) and A/37/553 (October 1982).



- (i) the decision of the British government to cancel the planned expedition to the Falklands in 1749 as a result of formal Spanish protests<sup>1</sup>;
- (ii) the alleged understanding between Britain and Spain, when Spain agreed in 1771 to allow the British settlement at Port Egmont to be re-established, that Britain would eventually withdraw, and that Britain's subsequent abandonment of the settlement in 1774 was proof of Britain's acknowledgement of Spanish title; and
- (iii) the signature of the Nootka Sound Convention in 1790, under which Britain renounced future establishments on "the eastern and western coasts of South America and the islands adjacent"<sup>2</sup>.

On the latter point, the United Kingdom claims that the Convention terminated with the outbreak of war between the two countries in 1795, and when revived in 1814 could not be regarded as applying to territories previously abandoned by Spain<sup>3</sup>.

2.11 The most important elements in the Argentina claim, however, are:

- (i) that in leaving the Islands in 1811, Spain reserved her rights and was not thereby renouncing her sovereignty over them, and the Islands could not therefore be regarded as *terra nullius*;
- (ii) that Argentina, when it became fully independent in 1816, inherited the whole of the territorial jurisdiction of the former Spanish Vice-Regency of the Rio de la Plata, including the Malvinas (Falklands);
- (iii) that the new Government in Buenos Aires subsequently carried out acts of possession, occupation and administration, including the regulation of hunting and fishing rights, the granting of land, and the appointment of Governors, to which no objection was initially raised by other Governments, despite the publication of the claim in the London press<sup>4</sup>;
- (iv) that Great Britain formally recognised Argentine independence in 1825 (ie after Argentina's first acts of sovereignty over the Malvinas) without the reservation in respect of the Islands;
- (v) that Britain's occupation in 1833 involved the forcible ouster of the Argentine authorities; and
- (vi) that Argentina had, "since 1833 and whenever it has been possible", formally protested against the British occupation and demanded the return of the Islands<sup>5</sup>.

#### *The nature of the Argentine claim*

2.12 Argentina's claim to the Malvinas (Falklands) thus derives from "discovery and occupation by Spain, from the recognition by France and England in the course of the eighteenth century of the sovereignty of our predecessor, from the legal continuity of the territorial rights as the successor state to Spain and from the succeeding Argentine occupation"<sup>6</sup>. In terms of contemporary international law and politics, Argentina, supported by most other Latin American states,

<sup>1</sup>UN Doc A/37/553, p 6 (see also Cawkwell, *op cit*, p 9).

<sup>2</sup>See, eg, evidence p 128.

<sup>3</sup>Q 575.

<sup>4</sup>Q 581.

<sup>5</sup>UN Doc A/37/553.

<sup>6</sup>UN Doc A/AC 109/PV 1224 (10 September 1982).

dismisses the United Kingdom Government's invocation of the principle of self-determination on the grounds (i) that the dispute concerns the territorial integrity of Argentina, and (ii) that the population of the Islands is "basically a temporary population", of British origin, which cannot be said to constitute a distinctive "people" with a right to self-determination under the UN Charter<sup>1</sup>.

**An assessment of Argentine and United Kingdom claims to the Falklands**

2.13 As is clear from the preceding summary, an assessment of the claims of Argentina and the United Kingdom depends critically on their interpretation of the early history of the Islands, particularly between 1811 and 1833, and of the legal significance of the acts of commission and omission of the two Governments during this period and subsequently.

2.14 Your Committee have heard conflicting evidence about the legal status of the Islands between their abandonment by Spain in 1811 and their permanent occupation by Britain in 1833. If it could be demonstrated without question that Argentina succeeded, without interruption, to Spain's title to the Malvinas, and effectively enforced its title up to 1833, the Argentine claim to the Islands in 1833 would carry considerable weight. Conversely, if the United Kingdom could demonstrate without question that the Islands were, in effect, *terra nullius* in 1833, Britain's occupation in that year would establish a prescriptive title to the Islands which would have considerable force even in the face of subsequent Argentine objections.

2.15 Although Your Committee believe that the historical evidence is finely balanced, we are obliged to conclude that the weight of the evidence argues in favour of the view that Argentina's title to the Falkland Islands (or at least, to East Falkland) was, at the time of the British occupation in 1833, of greater substance than is or has been credited by official United Kingdom Government sources. We are supported in this conclusion not only by the evidence given to us during our inquiry<sup>2</sup>, but also by the doubts on this subject repeatedly expressed by British officials during the first half of this century<sup>3</sup>.

2.16 The FCO, in evidence to Your Committee, dismissed the doubts of their own officials about Britain's claim to the Falklands as "natural" but "also irrelevant", in respect of such a complicated subject. successive British Governments having asserted Britain's claim to sovereignty over the Islands<sup>4</sup>. The British case was, moreover, supported in evidence by Professor James Fawcett, the former President of the European Commission of Human Rights, who believed that the British occupation in 1833 was not, at the time, "regarded as in any way contrary to international law", even though a similar occupation at the present time might be regarded as illegal. Mr Fawcett therefore suggested that, according to the Doctrine of Inter-temporal law, the legality of Britain's actions in 1833 could not now be challenged despite changes in international attitudes towards the legality of the use of force between states<sup>5</sup>. Professor Ian Brownlie, on the other hand, has suggested that "it is arguable that as a matter of principle the initial illegality can never be the source of legal right"<sup>6</sup>.

<sup>1</sup>UN Doc A/AC 109/106.

<sup>2</sup>Eg QQ 404-5; Evidence p 128; Appendix 12.

<sup>3</sup>FCO Docs FO 371/128; FO 371/18634; FO 371/19763; Evidence p 115.

<sup>4</sup>Evidence p 147.

<sup>5</sup>QQ 547-57.

<sup>6</sup>Evidence p 129.



2.17 Your Committee are aware of other cases of territorial acquisition, such as that by the United States of America of its southern states from Mexico in the 1840s, which appear to have raised similar legal problems, although subsequently legitimised by treaty, but which no one now supposes to be illegal or reversible. Nevertheless, Your Committee conclude that assertions about the legality of the British occupation of the whole of East and West Falklands in 1833 are certain to persist, although Britain's title to West Falkland, which had not subsequently been occupied by Spain or Argentina after the abandonment of the Port Egmont settlement in 1774, seems to be secure<sup>1</sup>.

2.18 In Your Committee's view, therefore, Britain's present-day claim to sovereignty over the Falkland Islands rests partly on earlier, and questionable, claims arising from Britain's short-lived occupation of part of West Falkland in the eighteenth century, and on a prescriptive right deriving from an occupation in 1833, the contemporary legality of which is contested. The legality of the latter right, however, would be reinforced by the passage of time, according to most witnesses, including Professor Fawcett, and by the acquiescence of other states, and in particular Argentina<sup>2</sup>. Argentina's view is that its repeated objections to Britain's occupation of the Falklands since 1833 are sufficient to demonstrate her non-compliance. Britain's view appears to be:

- (i) that "mere protest in itself may not be sufficient to prevent the accrual of title by prescription" and
- (ii) that the intervals between Argentine objections to British occupancy of the Islands (35 years between 1849 and 1884, and 20 years between 1888 and 1908) raise serious doubts about the continuity of Argentine objections to British rule and therefore about Argentina's non-compliance with *de facto* British control over the Islands.

2.19 Despite Argentina's objections to British sovereignty in the twentieth century, Your Committee have yet to be persuaded that Argentine silence in respect of the British claim during much of the second half of the nineteenth century did not denote *de facto* recognition of Britain's title to the Falkland Islands. If, in particular, it is suggested by Argentina and her sympathisers (despite British denials) that Britain acquiesced in the Spanish claim to the Falklands in the latter half of the eighteenth century, it can equally be claimed by Britain that Argentina's silence during most of the second half of the nineteenth century denoted Argentine acquiescence in the British claim<sup>3</sup>.

2.20 Accordingly, Your Committee have reached the following conclusions in respect of Argentine and British claims to the Falkland Islands prior to the Argentine invasion in 1982:

- (i) at the time of Britain's occupation of the Islands in 1833, her title to sovereignty over East (but not West) Falkland was in doubt;
- (ii) Britain's acquisition of the whole of the Falkland Islands was not in 1833 an illegal act; and
- (iii) Britain's title to the Islands on the basis of acquisitive prescription follow-

<sup>1</sup>See Appendix 12.

<sup>2</sup>Q 558; Evidence pp 149-50; Q 586.

<sup>3</sup>Appendix 12.



ing the occupation of 1833 had considerable validity in view of Argentina's failure to protest during most of the period between 1849 and 1908.

2.21 Your Committee therefore do not doubt the legality of Britain's claim. However, we recognise that Argentina will continue to contest the question. This, in our view, is inevitable. If the issue were regarded as settled, either Argentina or the United Kingdom could have been expected to seek to refer the matter to the International Court of Justice at the Hague, or to some other form of binding arbitration. The fact that they have not done so in modern times may be testimony partly to the doubts on both sides (a) about the legality of their respective claims, (b) whether the issue is justiciable, (c) about the judicial objectivity of the tribunal and (d) whether any such judgements would be honoured by the unsuccessful party. That Argentine doubts have not been advertised in the recent years probably reflects the strength of Argentine sentiment in respect of this long-standing grievance; that British doubts have been advertised no doubt reflects the lower priority which has understandably been attached to the issue by British politicians: since 1945, at least, probably every Argentine schoolchild has been taught that the neighbouring Malvinas form part of Greater Argentina; it is doubtful whether most British schoolchildren would even have been able to identify the location of Britain's South Atlantic colonies on the map.

#### The question of self-determination

2.22 In the assessment of the relative merits of British and Argentine present-day claims to the Falklands, an additional factor, which cannot be dismissed as lightly as some would wish, is HM Government's repeated assertion that the United Kingdom is obliged to take account of the wishes of the population of the Falkland Islands and cannot, and will not, reach any settlement about the future sovereignty and government of the Islands without their consent. The terminology employed by British Ministers has not always been consistent, and the suggestion that the Islanders' wishes are and will remain "paramount" could be regarded within the United Kingdom itself as unacceptable in view of the ultimate and sovereign responsibility of Parliament to approve any settlement regarding the Islands' future. Nonetheless, the Minister of State for Foreign and Commonwealth Affairs insisted in evidence to Your Committee, that "the interests of the inhabitants take priority over any other interests involved", and that "the British people would expect the wishes of the Islanders to be taken into full account" when decisions about their future are formulated and considered by the House of Commons<sup>1</sup>.

2.23 The Government's emphasis on the wishes and interests of the Falkland Islanders is based less on sentiment than on the principles and provisions of the United Nations Charter itself. Indeed the term "paramountcy" which has given rise to so much debate in Britain and overseas, is not an invention of HM Government but is part of the language of the UN Charter.

2.24 The most often quoted provision of the Charter is Article 1, which describes one of the purposes of the Charter as being "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples". As a legal concept the principle of self-determination clearly raises many difficulties, the most critical of which is how

<sup>1</sup>Q 1977.

to define the term "people". Argentina has consistently argued that the Falkland Islanders are an alien people implanted by Britain on Argentine territory and cannot therefore be regarded as an indigenous people in their own right<sup>1</sup>. They call in aid paragraph 6 of UN Resolution 1514 (XV) (the General Assembly's Declaration on the Granting of Independence of Colonial Peoples and Territories), which excludes from the concept of self-determination "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country"<sup>2</sup>. Although the United Kingdom has taken the view that this provision cannot be applied retrospectively, there is no doubt that the interpretation of the principle of self-determination is fraught with such difficulties that reliance on the provisions of Article 1 of the UN Charter is probably insufficient on its own to substantiate Britain's policy towards the "paramountcy" of the Falkland Islanders' views. Indeed, so difficult is the interpretation of the principle of self-determination that it has led some international lawyers to regard it as "a political axiom . . . not a legal right"<sup>3</sup>.

2.25 A further principle of the UN Charter, however, appears to lend considerable weight to Britain's claim that the principle of self-determination, in practice if not in name, can and should be applied to the Falkland Islands. Since the formation of the United Nations in 1945, the United Kingdom Government has been recognised by the UN as the administering power in the Falkland Islands, and has reported annually to the Secretary General on its administration of the Islands under the terms of Article 73 (e) of the Charter.

2.26 Article 73 states in categorical terms that the administering powers of Non-Self-Governing Territories must "recognise that the interests of the inhabitants of these territories are paramount and accept as a sacred trust the obligation to promote to the utmost . . . the well-being of the inhabitants of these territories". The administering power is further enjoined "to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses", and "to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions". Accordingly, in the words of the United Kingdom Ambassador to the UN, Article 73 "confers rights on the Falklanders and lays obligations on my Government"<sup>4</sup>.

2.27 Although Article 73 of the UN Charter is written in terms of the "paramountcy" of the Islanders' interests, rather than their wishes, an additional obligation is placed on Britain to "take due account of the political aspirations" of the population. And despite the reservations expressed by the Argentina at the United Nations about the United Kingdom's administration of the territory under Article 73, there can be no doubt that the United Kingdom's role in this respect has been generally accepted at the United Nations for almost 40 years. Accordingly, Your Committee believe that HM Government's determination that no change in the administration and government of the Falkland Islands should be agreed without the fullest consideration of the views of the Islanders is not only the minimum commitment which the Islanders can reasonably expect of the United

<sup>1</sup>Eg UN Doc A/AC 109/106 pp 18-21.

<sup>2</sup>See, eg, UN Doc A/AC 109/PV 1224, p 12.

<sup>3</sup>Eg Q 561.

<sup>4</sup>UN Doc A/37/PV 51.



Kingdom but is also consistent with the provisions of the United Nations Charter and with the United Kingdom's obligations under the Charter.

### 3. THE INTERNATIONAL POLITICAL CONTEXT OF THE DISPUTE

3.1 In the previous section of this Report, Your Committee have discussed the rival claims of the Argentine Republic and the United Kingdom to the sovereignty of the Falkland Islands and their Dependencies and have sought to reach some conclusions on the legal merits of those claims. It will be obvious from that discussion, however, that the legal claims of both sides are sufficiently contentious to make a simple resolution of the dispute by legal means unlikely, even if the will existed on either side to reach a solution by that means. As a number of witnesses have pointed out to us, a dispute over sovereignty cannot be resolved by legal means unless both sides show goodwill, and as is demonstrated by the recent and continuing dispute between Argentina and Chile over their territorial claims in the Beagle Channel, even prior agreement to arbitration or adjudication is no guarantee that a legal settlement will be accepted and respected by the unsuccessful party. Professor Fawcett, for instance, told Your Committee that "The idea that there is a certain solution or that the law is certain on any one side or in respect of any one position is, as often in national law, not the case . . . I think it is impossible to say that the law is more than a matter of diplomacy. It is a question of advancing arguments which are politically reasonable and convincing. That is what will in the end prevail"<sup>1</sup>.

3.2 Accordingly, although the legal arguments are by no means irrelevant in the search for a peaceful solution to the Falklands dispute, it is their political acceptability in the international community, rather than the conviction they might carry in a court of law, which will in the end determine the ultimate strengths and weaknesses of the British and Argentine claims. This section of the Report therefore seeks to assess the likely reaction of other countries, and of the United Nations, to possible alternative forms of settlement of the dispute which may be contemplated by the United Kingdom.

#### The Argentine initiative at the United Nations

3.3 Argentina formally protested against the British occupation of the Falkland Islands in 1833, 1834, 1841, 1842, 1849, 1884 and 1888. From 1908 onwards, the Argentine Government protested at regular intervals, giving rise to considerable doubt and heart-searching in the British Colonial and Foreign Offices<sup>2</sup>. In the course of their protest in 1884, the Argentine Minister for Foreign Affairs, Dr. Ortiz, suggested that the matter might be referred to arbitration, but this suggestion was not taken up by HM Government<sup>3</sup>. It is, perhaps, significant that in making this proposal, after a silence of 35 years, the Argentine Minister referred to his Government's intention to "revive" their claim to the Falkland Islands, thus implying that the claim had fallen into desuetude in the intervening period.

3.4 Despite subsequent assertions of Argentine rights (and, in particular, the reservation of rights to the Falkland Island Dependencies in 1937) the sovereignty

<sup>1</sup>Q 544.

<sup>2</sup>See para 2.15 above.

<sup>3</sup>See FCO Doc FO 371/824, p 24 (*Memorandum respecting the Falkland Islands*) (Gaston de Bernhardt).



issue did not become a dominant factor in Anglo-Argentine relations until 1946, when General Peron assumed the Presidency, and did not become critical until 1964, when the matter was formally raised by the Argentine Government in the United Nations Committee of Twenty-Four (the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples), which for the first time invited the two Governments to enter into negotiations to find a peaceful solution to the dispute.

3.5 Following Argentina's initiative in 1964, the General Assembly of the United Nations affirmed in 1965 its support for a negotiated settlement of the dispute within the context of the decolonisation Resolution of 1960 (Resolution 1514 (XV))<sup>1</sup>, and reaffirmed this stand in Resolutions adopted subsequently in 1966, 1967, 1969, 1971, 1973 and 1976. On the last occasion, the United Kingdom Government, having previously abstained, voted against the Resolution. During the same period, Argentina recruited outright support for its claim to the Falklands at regular meetings of the Non-Aligned Movement.

#### **Anglo-Argentine negotiations before April 1982**

3.6 Under pressure from Argentina and at the United Nations, the United Kingdom Government entered into negotiations with the Argentine Government in January 1966, and ministerial and diplomatic exchanges continued until February 1982. These exchanges are described in detail in the Franks Report<sup>2</sup>.

3.7 *The Communications Agreement*: The only solid results to emerge from the Anglo-Argentine talks between 1964 and 1982 related to the improvement of communications between the Falklands and the South American mainland. The so-called "Communications Agreements" of 1971 achieved during talks held without prejudice to the sovereignty question, provided travel documents for the free movement of Falkland Islanders in and through Argentina and the exemption of Falklanders from Argentine military service; the harmonisation of postal, telegraphic and telephone rates; and the establishment of direct air and sea communications between Argentina and the Falklands, the former to be provided by the airline of the Argentine Air Force and the latter by the United Kingdom.

3.8 Although undoubtedly intended by the then British Government, to produce a genuine improvement in the Falklanders' links with the outside world, the effect, particularly in the light of the withdrawal of the previous shipping service between the Falklands and Uruguay and the failure of Britain to provide the new service promised under the Agreements, was to make the Islanders wholly dependent on Argentina for their non-commercial communications, and able to travel outside the Islands only if provided with Argentine, as well as British, or Falklands, travel documents. This created understandable resentment, and reinforced suspicions about British, and Argentine, policy, amongst the Islanders. As a representative of the Falkland Islands Committee put it to us in Stanley, "everything put on our plate was there for one purpose: it was a general eroding of our Britishness"<sup>3</sup>.

#### **3.9 *The talks about sovereignty*: at the outset of the Anglo-Argentine talks in**

<sup>1</sup>Resolution 2065 (XX).

<sup>2</sup>*Falkland Islands Review* (Cmnd. 8787). See also Evidence p 5.

<sup>3</sup>Q 906; see also Mary Cawkell, *The Falkland Story 1592-1982*, pp 65-68; and Q 771.



1966, the British Government rejected Argentina's claim that Britain's occupation of the Islands was illegal. It was nonetheless at a very early stage, in March 1967, that, having failed to reach agreement on a freeze in discussions over sovereignty, the United Kingdom Government indicated to Argentina that Britain would in the end be prepared to cede sovereignty under certain conditions, provided that the wishes of the Falkland Islanders were respected<sup>1</sup>. Although the proposed Memorandum of Understanding, which embodied this commitment and was agreed at official level in August 1968, was eventually not accepted by the British Government as the basis for future talks, there is little doubt that this early indication of the United Kingdom's willingness to consider the transfer of sovereignty both coloured all subsequent discussions between the two Governments and provided fertile soil in which Argentina's subsequent sense of grievance and betrayal could grow. This vital concession having been made so early on, it is not difficult to understand the frustration experienced by the Argentine Government as, under insistent and well-organised pressure from the Falklands and in the House of Commons, successive British Governments found themselves obliged to lay increasing emphasis on the wishes of the Falkland Islanders and discovered those wishes to be so apparently intransigent. It is, perhaps, unfortunate that the British Government failed accurately to assess Island opinion before conceding the single most important point at issue between the two countries.

3.10 In subsequent negotiations, the United Kingdom was constrained on the one hand by its initial concession of the possibility of sovereignty being transferred and on the other hand by the hardening of attitudes amongst the elected representatives of the Falkland Islanders against any such possibility. Although Your Committee have reason to believe, following our visit to the Falklands, that the attitudes of the Island Councillors may not have fully reflected the views of the Falklands population as a whole<sup>2</sup>, there is no doubt that successive British Governments were placed in the acutely uncomfortable position of being compelled to negotiate, unless they were to be accused of bad faith, but to enter the negotiations on each occasion with their hands tied. As a result, it was inevitable that a series of compromise proposals were tried out by British Governments on both the Argentine Government and the Falklands Legislative Council. The most important of these were the possibility of a shared administration (or condominium) and the possibility of a leaseback arrangement, under which both Argentine sovereignty and British administration could simultaneously be recognised. It is evident from Lord Franks' account of these talks that the United Kingdom Government, although ostensibly an independent party in the negotiations, was increasingly forced to play the role of honest broker between Argentina and the Falklands. On almost all matters, it proved unable to deliver anything of substance to either side.

3.11 The United Kingdom Government subsequently persisted in its efforts to negotiate up to a very late stage in the Falklands crisis. Even after the occupation of the Islands by Argentina, and after the British Task Force had sailed but had not yet become militarily engaged, HM Government expressed itself as willing to negotiate on the basis of a dilution of British sovereignty as proposed by the President of Peru. This proposal was, however, rejected by the Argentine Government.

<sup>1</sup>Franks Report, paras 20-25.

<sup>2</sup>See, eg, QQ 1536-1546.

### **The effect of Argentina's invasion on the dispute**

3.12 Since April 1982 another factor has had to be taken into account in the assessment of Argentine and British claims to the Falklands. Whether or not the principle of self-determination can be applied to the Falklands population, there is virtual unanimity at the United Nations that the *interests*, if not the wishes, of the population must be taken into account in any settlement regarding the future of their Islands. Equally, whatever the legality in 1833 of Britain's occupation of the Islands, there is no doubt that the first principle of international law today (as enshrined in Article 2 of the United Nations Charter) is that force should not be used in the settlement of territorial claims, however justified. The Argentine invasion of the Falklands in April 1982 sought both to override the interests of the Falkland Islanders — since it cannot by any stretch of the imagination be argued that the imposition of an alien military regime can be in the interests of the population — and to ignore the principle of the non-use of force in the settlement of disputes. Accordingly, **whatever the strength of Argentine claims to the Falklands prior to their invasion, Your Committee have no doubt that those claims have been seriously weakened by Argentina's resort to arms in April 1982. Argentina stands condemned of unwarranted aggression in pursuit of a favourable solution to her dispute with the United Kingdom, in conflict with the foremost principle of present-day international law, and until she completely renounces the use of force, her claim to the Islands cannot be seriously considered.**

### **The dispute at the United Nations after 2 April 1982**

3.13 In the wake of the military invasion of the Falklands by Argentina on 2 April 1982, the United Kingdom gained an immediate diplomatic advantage at the United Nations through the passage, on 3 April, of a Security Council Resolution calling on the two Governments to seek a diplomatic solution to their dispute but, of more immediate importance, demanding an immediate cessation of hostilities and the immediate withdrawal of all Argentine forces<sup>1</sup>. In view of the widespread sympathy for Argentina's claim to the Islands, this categorical rejection of Argentina's invasion was a considerable tactical success for the United Kingdom despite the abstentions of the Soviet Union, China and Poland and the opposition of the only Latin American member of the Security Council, Panama.

3.14 Following the abortive negotiations conducted by the United States Secretary of State, General Haig, and as the subsequent talks organised by the UN Secretary General, Sr. Perez de Cuellar, began to be overtaken by the British re-occupation of East Falkland and the threat of a major land-battle in the Falklands, the United Kingdom effectively secured a further success in the Security Council with the unanimous adoption, on 26 May, of a further Resolution<sup>2</sup>. This, while urging Argentina and Britain to co-operate with the Secretary General to find mutually acceptable terms for a ceasefire, significantly failed to demand an immediate ceasefire or the withdrawal of troops, a demand which could have been regarded as undermining Britain's successes to date in mounting and bringing close to fruition its re-occupation of its South Atlantic possessions. A categorical demand from the Security Council for an immediate cessation of hostilities, sponsored by Panama<sup>3</sup> was, however, to be forestalled ten days later

<sup>1</sup>Resolution 502 (1982).

<sup>2</sup>Resolution 505 (1982).

<sup>3</sup>Draft Resolution 5/15156 rev 2 (4 June 1982).



only by the vetos of the United Kingdom and the United States (with France, Guyana, Jordan and Togo abstaining), many delegations fearing the consequences of the United Kingdom Government's determination to push home its growing military advantage in the battle zone. This vote also apparently indicated growing fears about the domestic and international consequences of a total humiliation of the Argentine military regime.

3.15 That many countries, and those in the Latin American bloc in particular, were not prepared to allow Argentina's military collapse to result in an equally humiliating diplomatic defeat and diplomatic isolation, soon became clear after Britain's recapture of the Falkland Islands. Intensive diplomatic activity over the issue continued throughout the summer and early autumn of 1982, centring, in the end, on moves towards a vote in the General Assembly on a draft Resolution, sponsored initially during August by Argentina and Mexico, and eventually by twenty Latin American states, calling for the resumption of negotiations between Britain and Argentina to resolve the sovereignty dispute which had led to the Argentine invasion and the resulting South American conflict. These moves were accompanied by the hearing of evidence in the "Committee of Twenty-four" and in the Fourth Committee, including testimony from members of the Falklands Legislative Council and former Falkland Islanders supporting the Argentine cause.

3.16 After intensive lobbying by both Argentina and the United Kingdom, the General Assembly, in early November, held a debate and vote on the Latin American draft Resolution, which was heavily amended as a result of pressure from the United States and other Western bloc and Third World countries and omitted, in its final form, any reference to the long-standing support of the Non-Aligned Movement for Argentina's claims to the Islands. The Resolution was adopted on 6 November 1982 by 90 votes to 12, with 52 abstentions. It requested the Argentine and British Governments to resume negotiations "in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas)", and requested the Secretary General to resume his "mission of good offices" to assist the two countries in complying with the Resolution. The Secretary General was asked to report on progress made at the next plenary session of the General Assembly (ie in the autumn of 1983)<sup>1</sup>.

3.17 The General Assembly Resolution of November 1982 was supported by all Latin American and Soviet bloc countries — and many Third World countries — and was undoubtedly influenced by the announcement, on the first day of the debate in the Assembly, of the United States' intention to vote in favour. Outright opposition to the Resolution came only from the United Kingdom, New Zealand, and a number of smaller Commonwealth states, while most other Commonwealth countries, and all other European Community members abstained (apart from Greece, who voted in favour).

3.18 The vote in the General Assembly has, in Your Committee's view, been widely misinterpreted as a diplomatic defeat for the United Kingdom, and, at least at the time of the vote, the United States' support for the Latin American Resolution seemed to be regarded by British Government Ministers as a signifi-

<sup>1</sup>General Assembly Resolution 37/9.

cant. and reprehensible. shift in United States policy away from its outright support for the United Kingdom during the Falklands campaign. Thus, at a press conference in Paris after the result of the vote had been announced, the Prime Minister described the United States' vote as "incomprehensible and disappointing".

3.19 The United Nations is institutionally sympathetic towards negotiations as a solution to inter-state disputes, and its active membership is naturally opposed to those who question their validity. In Your Committee's opinion, the General Assembly Resolution in November gained substantial support because, in its final form, it merely reflected this understandable, and proper, preference for negotiations, rather than warfare. Although the adoption of a Resolution calling for the resumption of negotiations on sovereignty was a considerable diplomatic success for Argentina, it was achieved only at the cost of sacrificing the references in the original draft to the support of the Non-Aligned Movement for Argentina's claim to the Malvinas and by the insertion of a reference to the "*de facto* cessation of hostilities in the South Atlantic and the *expressed intention of the parties not to renew them*" (our italics). Without these significant amendments, we have little doubt that the Resolution would have failed to attract the support it did, and in particular would have not received the support of the United States, that many of those countries which supported the Resolution would have at least abstained, and many of those who abstained would probably have voted against the Resolution. The fact that Argentina was unable to attract sufficient support for a Resolution directly endorsing its claim to the Islands can therefore be regarded as, if not a success for British diplomacy, at least a clear indication of the continuing goodwill of the international community towards the United Kingdom, and of international sympathy for the United Kingdom's determination to protect its rights and its people in the South Atlantic, and to resist the use of force as a means of settling international disputes.

#### **United Nations attitudes towards the resolution of the Falklands dispute**

3.20 *General attitudes towards the United Kingdom:* During their visit to the United Nations in November and December 1982, Members of Your Committee were impressed by the considerable fund of goodwill which exists at the UN towards the United Kingdom and the Falkland Islands, as the victims of unwarranted aggression by Argentina, and by the widespread admiration for the United Kingdom's attempts to achieve a peaceful solution of the dispute, during the Haig negotiations and the Secretary General's negotiations, before fighting broke out in earnest in the South Atlantic. The impression evidently achieved by the British diplomatic team in New York was that the United Kingdom consistently and genuinely sought a peaceful settlement of the dispute after the Argentine invasion, while the Argentine commitment to a peaceful, negotiated settlement was at best ambivalent.

3.21 In the aftermath of the South Atlantic war, there appeared to be a general recognition that Britain could not be expected to rush to the negotiating table, despite the substantial majority in favour of the General Assembly Resolution 37/9. On the other hand, there was virtually unanimous support for the view that the UK should, in the not-too-distant future, respond to the Secretary General's overtures to resume negotiations with Argentina, and a belief that it was only a matter of time before Britain would be compelled to seek a negotiated settlement, in view of the high cost of maintaining the garrison, the questionable economic



value of the Falkland Islands, and the marginal strategic value to NATO of a major military presence in the South Atlantic. There was, in addition, a real fear that the existing goodwill towards the United Kingdom could be dissipated if the United Kingdom were to act, or be thought to be acting, in defiance of the genuine desire at the United Nations for progress to be made in the not-too-distant future towards a peaceful, negotiated settlement.

3.22 *General attitudes towards Argentina:* The general attitude towards Argentina at the UN appeared to Your Committee to be, in many ways, the mirror image of the attitude towards the UK described above. Despite Argentine rhetoric (and that of many other states) in the General Assembly debate, Argentina seems to be widely regarded as guilty of unwarranted aggression, in defiance of the principles of the UN Charter, of specific Security Council Resolutions, and of the principles enunciated by partial groupings including the Non-Aligned Movement and the Organisation of American States. None of those we saw made any serious attempt to justify the Argentine invasion of the Falklands, and none was prepared to countenance the future use of force by the Argentine to regain the Islands.

3.23 Despite distrust of the Argentine regime, and condemnation of her recent actions, most of the UN Missions we saw, from whatever bloc, displayed either active sympathy for the Argentine's territorial claims and disbelief in the applicability of the principle of self-determination to the Falklands, or at least a recognition of the inevitability of a compromise agreement more favourable to the Argentine than to the British case. The general belief appeared to be that time, and the realities of cost and distance, would in the end favour the Argentine cause.

3.24 It should be added that a fairly widespread belief appeared to exist at the United Nations that Argentina had made genuine concessions in the final draft of the Resolution adopted by the General Assembly on 6 November, and this was cited by a number of Ambassadors as justification for their eventual support of the Resolution. In particular, the Argentine's final draft had introduced a recognition of the *de facto* cessation of hostilities in the South Atlantic, had affirmed the need to take "due account" of the interests of the Falklands population, and had suppressed the references in earlier drafts to the support of the Non-Aligned Movement for Argentina's claim to the Falkland Islands. Moreover, there was some support for the view that the post-Galtieri regime had already demonstrated more flexibility in their approach, and that the eventual civilian regime was likely to have greater freedom of movement in seeking to achieve a peaceful resolution of the Falklands dispute.

3.25 Finally, it was evident to Your Committee that none of the UN Missions we met made any clear distinction between the claim to the Falkland Islands and the claim to the Falkland Island Dependencies. The scope of the Argentine claim, to the Falklands and the Dependencies, was in fact, accepted without demur or distinction.

3.26 *UN attitudes towards possible solutions to the Falklands dispute:* Despite the intense interest and activity at the United Nations from the outbreak of hostilities in April 1982 until the adoption of the General Assembly Resolution in early November, and the unanimous support in principle for the settlement of

the dispute through negotiations, it was clear from our discussions in New York that few Missions at the UN either had, or were prepared to commit themselves to, clear proposals about the kind of solution which might be reached through negotiations, or even clear ideas about the form which negotiations might take. UN thinking seemed not to have gone much further than agreement that negotiations were desirable, and any serious consideration of the form of negotiations or possible outcomes has yet to come. Once the General Assembly had pronounced on the desirability of negotiations, and had placed the matter in the hands of the Secretary General, attention had switched to other matters coming before the Assembly and interest seemed unlikely to be revived until some time in the summer of 1983, when Missions might begin to look to the Secretary General for signs of progress, before he was required to report in the autumn to the General Assembly.

#### General conclusions

3.27 *Relative strengths of Argentine and British positions:* On balance, Argentine claims to sovereignty over the Falklands on grounds of the Hispanic inheritance and territorial integrity appear to carry more weight at the United Nations than British claims on grounds of prescription and longstanding possession, although there is general agreement that the historical record is, on occasions, subject to conflicting interpretations. Outside the Latin American and Soviet blocs, however, few countries appear to regard the issue as purely a question of decolonisation which can or should be settled without consideration of at least the interests and opinions of the Islanders.

3.28 United Kingdom claims to possession on grounds of the wishes of the population and the principle of self-determination attract considerable sympathy, and Latin American states themselves accept the need to safeguard the interests of the population. Nonetheless, even among those who agree that self-determination should mean respect for the *wishes* of the population, there are growing doubts about the practicality of applying the principle to the Falklands, particularly in view of its small population. There is therefore some interest in the possibility of some form of United Nations or other international trusteeship arrangement, but few positive ideas of how such an arrangement would operate in practice.

3.29 *Timing of negotiations:* Despite the large number of abstentions, the passing of the General Assembly Resolution reflected wide agreement at the UN that negotiations must, at some point, be resumed. Nevertheless, UN opinion seems generally to accept that the United Kingdom should not be hustled too soon to the negotiating table, but that an invitation from the Secretary General to re-open talks or resume negotiations would be difficult for the United Kingdom to refuse. UN opinion in general also appears to accept that negotiations must be entered upon without preconditions on either side. So long as the United Kingdom does not turn its back completely on the possibility of a negotiated settlement, this attitude at the United Nations should give the UK room for manoeuvre and time to consider its longer-term stance.

3.30 In the first place, it would seem entirely reasonable for the United Kingdom to require a more explicit commitment from Argentina than that implied in the General Assembly Resolution on both the cessation of hostilities and the withdrawal of preconditions to negotiations. Second, many in New York seem



to regard a delay in the start of negotiations as likely, if not certain, to be beneficial to an eventual settlement: on balance, the prospects appear to be that a future Argentine Government, following a return to civilian government, would be more flexible in its approach. Accordingly, **some delay in starting negotiations might not prove as unacceptable at the UN as other countries' public utterances might seem to imply.**

3.31 An assessment of the attitudes towards the dispute of particular blocs and countries is attached to this Report as Annex 1\*.

#### **4. THE IMPLICATIONS OF THE PRESENT SITUATION FOR BRITAIN, ARGENTINA AND THE ISLANDERS**

##### **The British position**

4.1 Despite the United Kingdom's military victory in the South Atlantic, the underlying cause of the conflict — the opposed claims of the two countries to sovereignty over the Falkland Islands and Dependencies — remains as intractable a problem after the conflict as it was before. Defeat has not persuaded Argentina to renounce her claims, and the public utterances of her present Government, and of other Argentine political leaders, offer little hope that she will do so in the foreseeable future, even if a civilian Government were to emerge following the elections planned to be held in October 1983. Nor has Argentina formally renounced the use of force as a means of presenting her claims, or even acknowledged the end of the hostilities which effectively ceased last June. As a result, and until some resolution of the dispute can be achieved, the United Kingdom is obliged to secure the Islands by military means, maintaining a large defence force, at enormous cost, many thousands of miles from its normal theatre of military operations.

4.2 As well as involving the United Kingdom in this substantial and open-ended commitment, the present situation carries other penalties, particularly in terms of its diplomatic and other relations with Argentina, and with the many other Latin American states who continue to support her claim to the Falklands, if not her actions last April. Moreover, world opinion, as reflected in the Resolution passed by the United Nations General Assembly in November 1982<sup>1</sup>, is overwhelmingly in favour of resumed negotiations between the United Kingdom and Argentina, and the United Kingdom may be exposed to further diplomatic difficulties, even with its traditional allies, if no move is made before long towards meeting United Nations opinion and seeking a diplomatic route out of the present impasse in Anglo-Argentine relations. Equally, the close proximity of the Falkland Islands and the Dependencies of South Georgia and the South Sandwich Islands to Antarctica could also create difficulties for the United Kingdom in the possible renegotiation, after 1991, of the Antarctic Treaty, unless the Falklands dispute has previously been resolved.

4.3 The present situation poses other problems for the population of the Falkland Islands themselves: they are cut off from air links with the South American mainland, deprived of the local educational, health and communica-

\*This Annex is not reproduced here, since it had not been formally submitted to the Committee for their approval before the adjournment of the consideration of the Chairman's draft Report at 10 May 1983.

<sup>1</sup>Resolution 37/9.

tions services previously available to them, and dependent for all these, and for the continuation of their normal economic activities, on an expensive, complex and time-consuming life-line over 8,000 miles of ocean to the United Kingdom.

4.4 The view of the present Government is that there is no alternative to the present strategy of maintaining a full and effective defence force capable of repulsing any military force that Argentina may choose to employ. No alternative exists, it is said, because Argentina is not prepared to forswear the use of force in the future (or even declare an end to hostilities) and that the rights of the Islanders to self-determination must therefore be backed up by military means. The issue is not therefore one of material calculation but of moral obligation<sup>1</sup>.

4.5 We are persuaded that some of the arguments which have been advanced against this position are not justified by the evidence we have taken. In particular, the view that the *status quo* is causing major damage to Britain's international relations does not appear to be justified. As far as Argentina is concerned, the damage is more political than commercial, and while this is to be regretted, it must be realised that political relations with Argentina have never figured significantly in Britain's foreign policy. Nor is your Committee convinced that the damage to Britain's relations with the other states of Latin America and with those in the Non-Aligned Movement is as great as their public pronouncements might seem to indicate. Not only are the majority of them ill-disposed towards the use of force in international disputes, but in their relations with Britain attach more significance to commercial advantage than to politics.

4.6 Nor are Your Committee convinced that the present situation is as potentially destructive of the economy and society of the Falklands as some have feared. Though the availability of labour for the farms (and of marriageable women for the farmers) might diminish as a result of the presence of the garrison and plans for economic diversification there is no reason to believe that this will not be compensated for by immigration. Clearly, the closed and conservative character of Island society is undergoing change but Your Committee do not feel that is a matter for regret. Far from encouraging complacency the recent war appears to have aroused many Islanders to a recognition of the fact that they have a part to play in their own future.

4.7 However, Your Committee do not believe that present policy, however necessary it may be in the short term, offers a stable future for the Islands. Not only are its material and political costs burdensome, but the policy itself is reactive and inflexible and carries with it unfortunate implications for the wider conduct of foreign policy both now and for the future.

4.8 The cost of maintaining the present garrison is a matter for the Select Committee on Defence, who are reporting separately to the House. It is not trivial and, even under some reduced arrangement that the future might bring, will not become trivial, however much the marginal costs argument might be used to calculate the burden. Moreover, the more long-term recurrent costs are reduced (by, for example, the provision of an airfield capable of taking long-haul jets) the more Britain may become committed to the perpetual maintenance of the *status quo*.

<sup>1</sup>See Q 1973.



4.9 There are also implications for Britain's dependent territories<sup>1</sup>. None is in quite the position of the Falklands and the most important (Gibraltar and Hong Kong) are governed by Treaty. Nevertheless, Britain might well find that if the present policy of decolonisation is pursued in respect of its remaining dependencies but not in the Falklands, then invidious comparisons (such as were made between the Falklands and Diego Garcia) will be drawn to her considerable international embarrassment. Moreover, though Belize (formerly British Honduras) is an independent and sovereign state, Britain continues to be responsible for its defence against Guatemala. The present policy with regard to the Falklands may therefore be thought to set an unfortunate precedent which may, for instance, render unlikely the possibility of the involvement of regional powers (such as Venezuela or Mexico) in the guaranteeing of Belize's independence.

4.10 The present policy also carries with it implications for the security of the South Atlantic and Antarctica. Historically, these have been relatively free of international tension. Distance from world populations and trade routes, climate and technological shortcomings have all played their part in this. But there are fears that this state of affairs may be changing and the war with Argentina over the Falklands may have helped to deepen these. Though limited in themselves, Britain's future relations with Argentina do bear upon regional security issues. For Argentina's claims to regional hegemony involve not only the Falklands but also their Dependencies, renewable and non-renewable marine resources, and Antarctica, in each of which Britain has interests. These issues are discussed further in the following chapter of this Report.

#### **The Argentine dimension**

4.11 The failure of the final military option in June of last year has had serious consequences for the Argentine military and has gravely weakened their position. Having failed in the political and economic arena, they are now seen to have failed militarily, the only area in which they possessed any legitimacy at all. Their weakness relative to civil society has led to significant changes. Firstly, there has been a major shake-up in the command structure. Senior officers, whom their juniors held responsible for the decision to invade, have been retired in large numbers. Moreover, the junta has been obliged to abandon much of the economic strategy whose failure had contributed significantly to the abortive military adventure. They have also been forced to agree to the calling of elections (at the end of October 1983) and to the handover of power to a civilian government in January 1984. Finally, the regime has modified its previous policy of close identification with the West, and has moved closer to the Non-Aligned Movement<sup>2</sup>.

4.12 But though the military have been forced into reversing their position on these matters, they are far from powerless. In the aftermath of defeat, it looked for a while as if internal revolt (particularly in the navy and army) and inter-service disputes (led by the air force in particular) might lead to a collapse of the regime. The need to maintain a degree of unity in order to confront civilian critics has ensured the recomposition of the junta and reinforced the wavering authority of the service chiefs. The search for scapegoats has not ended but discipline has

<sup>1</sup>British Dependent Territories include the following: Anguilla, Ascension, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, St. Helena, Tristan de Cuhna and the Turks and Caicos Islands.

<sup>2</sup>Not least because it is one arena where their claim to the Falklands enjoys some support. See President Bigone's recent speech to the Non-Aligned Movement in New Delhi.

been reasserted<sup>1</sup>. In large part this closing of institutional ranks is the result of the need to come to some agreement with the major political parties. The immediate issues here are the responsibility of the armed forces for the disappearances which occurred during the "dirty war" of the late 1970s and charges of their misuse of public funds, though the fundamental problems concern agreement over Anglo-Argentine relations and the future constitutional position of the military under a civilian government.

4.13 The problem of the "*desaparecidos*" is especially pressing. The military's view is that they were the victims of a just war rather than murder and the fact that a large proportion of the officer corps appears to have been involved in the killings explains their present desire to establish a blanket amnesty in advance of the handover of power to civilians<sup>2</sup>. Even if agreed, and negotiations so far have failed to produce agreement with the political parties, this could not be guaranteed to hold. Accordingly the armed forces are also insisting upon the preservation of their constitutional right to defend the established order. That is, their survival requires that they retain a veto over the actions of any future civilian government. For their part, the major political parties cannot afford to ignore the *desaparecidos*. Not only do they stand as a symbol for the suffering of civilians at the hands of the military but their friends and relatives in many cases possess the resources necessary to pursue the matter. At the same time, party leaders are acutely conscious of the fact that, despite their present strength, they dare not push the military too hard for fear of provoking an internal coup by hardline elements<sup>3</sup>.

4.14 The best hope for compromise appears to lie with an agreement that the issue should be pursued not through any especially constituted tribunals but in the regular courts. The inevitable procedural wrangling, difficulties over evidence, and the passage of time could then lead to a diffusion of tension. Civilian politicians and the military are at present bound together by their separate desires to construct a genuine democratic systems of government and to survive as institutions. Their reciprocal veto power suggests, however, that eventual transition to a conditional form of civilian government will indeed come about.

4.15 At present the political parties continue to be divided by factional and ideological differences centring around the selection of candidates for election but the process of re-organisation is proceeding. Though the last elections are a poor guide to the future, the most likely outcome is that the Presidency will be in Peronist hands, but the Radical Party and other centrist groups will have a significant representation in Congress. Even if the outcome is otherwise, it is unlikely to make much difference. Not only is the ideological divide between the major parties slight but, whatever the future government, it will face grave economic difficulties and will need to reconcile the deep tensions between the military, the trade unions and national and international capital if it is to survive. The response of government is likely to involve a return to some sort of neo-

<sup>1</sup>The delay in the formal assigning of responsibility for the military debacle is a reflection of this. Generals Galtieri and Menendez may well have to carry the burden alone. For details of the relationship between the military and the civilians, see evidence given to Your Committee by Mr G Makin on 22 November 1982 (QQ 290-322).

<sup>2</sup>For an impersonal account of the dirty war, see J Timmerman, *Prisoner Without a Name, Cell Without a Number* Penguin, 1980. See also the Memorandum submitted to Your Committee by Sir Bernard Braine MP (Evidence, pp 372-388).

<sup>3</sup>A factor which will continue to weigh in any future policy for the reform of the military institutions.



populist economic management. Past experience is not encouraging but there is evidence for believing that the traumatic experiences of recent years have led to a greater willingness on the part of politically significant groups to compromise their differences. Whether these will suffice to ensure political stability remains to be seen.

4.16 In the long-term, stable and democratic government in Argentina could go a long way towards resolving the present difficulties. Your Committee were repeatedly told by Falkland Islanders that whatever their previous views of Argentina the experience of occupation had turned a previous dislike of the Argentine Government into implacable hostility. This was not so much the result of ill-treatment by the occupying forces (though there was widespread theft, vandalism and, in some cases, intimidation) as of witnessing the ill-treatment of conscript troops by their officers. If the military were to be permanently and definitely eclipsed from power these attitudes might soften but few Islanders are optimistic that this will happen<sup>1</sup>.

4.17 Whatever its persuasion, any future civilian government is likely to be constrained in its dealings with the Falkland Islands. Though it will be untainted by defeat and aware of the credit to be gained from a peaceful resolution of the dispute, it will be closely circumscribed by public opinion and by the military, neither of which will countenance any softening of their insistence upon what they see as the recovery of Argentine sovereignty. Both Peronists and Radicals are opposed in principle to the use of force in international disputes and both would welcome a resumption of negotiations but they have made it clear that these must be "meaningful". That is, they must include the issue of sovereignty on the agenda. However, what this might mean in practice is less than clear. Though there are elements within the military which see the Islands in geopolitical terms, for civilians the issue of sovereignty, whilst immensely important, is, to a large extent, a matter of national honour and, therefore, an aspect of domestic politics.

#### Conclusions

4.18 So far as British policy is concerned, the immediate need to secure the defence of the Falklands, repair war damage and renew infrastructure has taken precedence over any consideration of their long-term future. Your Committee have been advised that it is present policy to regard the wishes of the Islanders as indistinguishable from (indeed, an expression of) their interests and that, in view of Argentina's refusal formally to acknowledge the end of hostilities, there is no alternative to the present position<sup>2</sup>. **As in the past, present policy appears to be largely reflexive and so, once again, runs the danger of delivering the initiative to Argentina.** For the moment, however, this is overshadowed by the memory of the human and material sacrifices involved in recovering the Islands. But with the passage of time these will dim and the shortcomings of the present policy will become more and more apparent.

4.19 So far as Argentina is concerned the present position is not to their disadvantage: **they share the doubts of some Islanders as to the long-term viability**

<sup>1</sup>See, for example, the evidence submitted to Your Committee by Mrs V Malcolm on 3 February 1983 (QQ 932-938). This appeared representative of Island opinion in general.

<sup>2</sup>See the evidence given to Your Committee by Mr Cranley Onslow, MP on 21 February 1983 (QQ 1973-1993).

of present British policy and believe that their own refusal to acknowledge the end of hostilities is a major bargaining card which should not be lightly exposed. They believe that in the long run their desire for sovereignty will outweigh Britain's preparedness to fulfil its obligations to the Islanders and see no particular advantage in easing the material burden on the United Kingdom of the Islands' defence<sup>1</sup>. They are encouraged in this attitude by the fact that the impact of the war upon their international economic position has been relatively slight. So far as Britain is concerned, visible trade has been hard hit, but while this is a matter for regret it is clear that trade has long since ceased to be of major importance. In the more important financial arena there is clear evidence that commercial advantage has prevailed over political considerations. British banks continue to be involved in the funding of the Argentine external debt, British firms operating in Argentina do not appear to have been subject to sanctions of any sort and existing contracts (including military contracts) are being fulfilled<sup>2</sup>.

4.20 The view that the present position is damaging a previously healthy and harmonious relationship between Britain and Argentina does not seem to be supported by the evidence. Though it is a source of regret to anglophile Argentines the political impact of the dispute is muted<sup>3</sup>. The majority of politically influential Argentines do not feel deep anguish over the present situation and do not regard the Islands as a problem requiring an immediate solution. Any hopes that an initiative will be forthcoming from Argentina do not, in Your Committee's view, appear to be justified.

#### Islanders' views of the future

4.21 Assessing Island attitudes is not easy. Despite its small size, local society is diverse. Government employees, contract expatriates, Falkland Island Company employees, independent farmers, farm managers, service workers and various non-waged groups have distinct, if sometime, overlapping, interests. This is compounded by the differences between Stanley and Camp residents, income levels, educational attainments, and family and personal reputation. Moreover, its small population and reliance on radio communication make the spread of information (and misinformation) both rapid and public. Along with the economic dependence of many individuals (on the FIG, FIC, and farm owners and managers), and the orthodoxy imposed by the war and its sacrifices, this leads to circumspection and, on occasion, evasion<sup>4</sup>.

4.22 Until relatively recently the isolated and colonial character of island society has meant that Falklanders have not been called upon to form views about their future. From 1968 on, and especially since the war, many Islanders have become aware of the fact that they must inform themselves of future options and come to a view about them. Your Committee were impressed both by the

<sup>1</sup>On numerous occasions Islanders privately expressed their fears that the present policy could not be sustained indefinitely. See also the evidence to Your Committee of Dr G Di Tella on 22 November 1982 (QQ 272-274).

<sup>2</sup>See QQ 180-253, *seriatim*.

<sup>3</sup>Much has been made of the Anglo-Argentine community. Links with Britain continue to be cultivated by the remaining British schools and in commercial and social circles but the community is not, properly speaking, Anglo-Argentine. Most have Argentine citizenship and, as their behaviour during the war showed, owe their first loyalties (not least their economic ones) to Argentina. For an account of this community, see A Graham-Yooll, *The Forgotten Colony. A History of the English-Speaking Communities in Argentina*. Hutchinson, London 1981.

<sup>4</sup>See the Memorandum submitted by Mr T Melchionne (Appendix 24).



range of views and by the coherence with which they were put. There has been, in short, a far from painless political awakening.

4.23 The views of the Islanders on the political future were not easy to discern. Partly, this reflected their uncertain knowledge of international affairs, but also a feeling amongst some that the Islands were now on the world stage and that their future would be decided elsewhere. Indeed, on a number of occasions, Your Committee were told that the urgent responsibility of the British Government was to formulate long-term policy — whatever it might be — and make that policy clear to the Islanders in order that they might better plan their own future lives. Most seem to be aware that they have no right of veto over British policy and some expressed regret for the way in which their *de facto* veto of previous years has been applied. As a result of the war, many Islanders seem to have become aware that their first preferences may not be in their long-term interests.

4.24 Of their first preference, there is no doubt. The vast majority favour continued British administration guaranteed by a defence force strong enough to deter any future Argentine aggression. Some went further and argued that the Islands ought to be accorded similar constitutional status to that of the Isle of Man or Channel Islands, though they recognised that this was unlikely to happen. At the same time, there was widespread doubt about the long-term viability of the present constitutional and defence position. There was widespread fear of a change of government in Britain, coupled with admiration for the present administration. Nonetheless, they acknowledged that the future could not be predicted and that it might be unwise to rely on the present policy continuing indefinitely. All Islanders were aware of the large costs involved and while many felt that the sacrifices of the war ensured their short-term future, they were not confident of the preparedness of the British electorate to maintain the Islands in the long-term. Some went on to acknowledge the international pressure upon Britain to resolve the dispute and feared that this pressure would be likely to grow rather than diminish in the future.

4.25 Your Committee did encounter the view that the long-term future of the Islands would be best secured if they were to be independent. This was hardly widespread and those who advocated it acknowledged that the Islands did not possess the resources sufficient to see to their own defence, and that even if rapid development and population growth occurred, this would remain a problem. In practical terms, therefore, the independence option as advocated seemed to amount not to independence but to associated statehood.

4.26 Of those who advocated the continued defence of the Islands, a number believed that provided the commitment to defence remained unchanged, the size and cost of the present garrison could be greatly reduced. This would require the building of an airstrip capable of taking long-haul jets in order to provide for the redeployment of troops in an emergency, and adequate air and early warning provision.

4.27 Most Islanders' knowledge of Latin America (other than Chile, Argentina and Uruguay) was hazy, though some were aware of Argentina's relative isolation within the Inter-American system and of the rivalry and mistrust that existed between Argentina and Chile, and to a lesser extent, Argentina and Brazil. This led them to suggest on numerous occasions that it might be possible for the

Islands to establish trading and communications links with one or more of Argentina's rivals. However, they were unclear as to how this might be achieved. The better informed acknowledged that from the point of view of such states, the damage such a link would cause to their relations with Argentina would far outweigh the advantages — political or economic — to be gained either from the Islands or the UK. Some went on to acknowledge the expense and inconvenience of the present airbridge via Ascension Island. But they believed that there was no immediate alternative and that, if relations with Latin American states could not be established, the burden would be much eased by the building of a new airport.

## 5. REGIONAL SECURITY, THE FALKLAND ISLANDS DEPENDENCIES AND ANTARCTICA

### The Dependencies

5.1 The Falkland Island Dependencies now consist of South Georgia and the South Sandwich Islands, the other former dependent territories (the South Orkney Islands, South Shetland Islands, Graham Island, Palmer Land and Coats Land) having been detached in 1962 to form the British Antarctic Territory. Although for convenience the Dependencies are administered from Port Stanley, their legal position is quite distinct from that of the Falkland Islands themselves. The present Dependencies were discovered by Captain Cook in 1775, British sovereignty was confirmed and defined by Letters Patent in 1908, and since 1909 there has been a continuous British presence on South Georgia, more recently in the guise of the British Antarctic Survey base at Grytviken. The Islands forming the Dependencies were at no time claimed by Spain, and have at no time, prior to 1982, been occupied by Argentina, with the exception of Southern Thule (in the South Sandwich Group) where Argentina established a scientific research station in 1976 which continued, despite British protests, until 1982. Argentina first claimed South Georgia in 1927, and formally claimed the South Sandwich Islands in 1948.

5.2 Although Argentina, since 1937, has made a general reservation of rights in respect of the then existing Dependencies of the Falkland Islands, and has subsequently presented her claim to the Falkland Islands at the United Nations in those terms, **Your Committee have no difficulty in concluding on the basis of the evidence presented to us, that Argentina has no serious or valid claim to these territories.** It is, however, relevant to recall that in the terms of reference agreed by the Argentine and United Kingdom Governments in April 1977, which were regarded as providing the framework for future Anglo-Argentine negotiations up to the invasion of April 1982<sup>1</sup>, the United Kingdom Government agreed that the question of sovereignty over South Georgia and the South Sandwich Islands would be considered alongside the sovereignty of the Falkland Islands themselves<sup>2</sup>.

5.3 The remaining Falklands Dependencies, which were detached in 1962 to form the British Antarctic Territory, are claimed by the United Kingdom on the basis of acts of discovery between 1819 and 1843, British sovereignty having been asserted and defined in 1908 and 1917<sup>3</sup>. The Argentine Government first laid

<sup>1</sup>Q 43.

<sup>2</sup>Franks Report, para 60.

<sup>3</sup>Evidence pp 2-3.



claim to the South Orkney Islands in 1925, and reserved their rights to the remaining islands and territories in 1937, and part of the same area was claimed by Chile in 1940. British Governments have had doubts in the past about the validity of British title over some of the territories now comprising the British Antarctic Territory, largely because discovery was not followed up by a permanent occupation or effective and continuous control<sup>1</sup>. However, the whole of the British Antarctic Territory is situated within the area covered by the provisions of the Antarctic Treaty of 1959, which both freezes competing claims over Antarctic territories and preserves the *status quo ante* as long as the Treaty remains in force.

5.4 In evidence to Your Committee, HM Government assured us that they had observed the provisions of the Antarctic Treaty prohibiting acts of a military nature within the area south of latitude 60° S, and that Argentina had done likewise. The provisions of the Treaty permit any of the Contracting Parties (including the United Kingdom, Argentina and Chile) to seek a review of the operation of the Treaty after June 1991. At least until that date the United Kingdom's territorial disputes with Argentina, and with Chile, within the Antarctic area may be regarded as legally, if not politically, separate from the Anglo-Argentine dispute over the Falkland Islands and their present Dependencies.

5.5 The fact that neither the Argentine Government nor the Chilean Government accepted the jurisdiction of the International Court of Justice in respect of the disputed Falklands Dependencies when the UK Government applied to the Court in 1955<sup>2</sup> is significant, but not conclusive, evidence of the relative strength of British claims to the territories concerned.

#### Antarctica

5.6 International interest in, and concern for, the Antarctic region has been growing rapidly in recent years. This reflects the increased world-wide struggle for access to scarce resources, the increasingly complex character of the international system, and the fear that the continent and its surrounding seas may in the future become strategically significant. Since 1959 Antarctica has been demilitarised and its use subject to peaceful negotiation. But its potential as a source of international tension has been growing as the initial term of the Antarctic Treaty draws to a close. Broadly, the lines of conflict are drawn between east and west, regional and supra-regional powers, and the rich and poor<sup>3</sup>.

5.7 So far as Britain is concerned, the most significant dispute concerns the overlap between its claims and those of Argentina. In 1962, in order to comply with the sovereignty provisions established by Article 4 of the Antarctic Treaty, the British Antarctic Territory was created, separating South Georgia and the South Sandwich Islands from the South Shetlands, South Orkneys and the Antarctic mainland between 20°W and 80°W. The basis for the claim is the same and

<sup>1</sup>Evidence p 112.

<sup>2</sup>Evidence p 2.

<sup>3</sup>That is between the USA and the USSR, Argentina, Chile and the UK, and between those states which oppose or support the United Nations Convention on the Law of the Sea. States traditionally interested in the area (such as the UK and Australia) have substantially increased their spending on research and exploration and have been joined by new entrants such as Brazil, India and West Germany. For a review of the strategic and economic implications of the present situation, see C Moneta, "Antarctica, Latin America and the International System in the 1980s", *Journal of Inter-American Studies and World Affairs*, Vol 23, No 1, February 1981, pp 29-68.

derives from discovery, annexation by Letters Patent in 1908 and 1917, and subsequent activity, but the claims themselves are distinct. Argentina's claim to part of the mainland sector, the islands to the north, and the Falkland Islands Dependencies, rests on their activities in the Antarctic, inheritance from Spain and, most important of all, the principle of geographical proximity.

5.8 The legal strength of these conflicting claims is at best uncertain, but Britain has been more ready to acknowledge this fact than Argentina<sup>1</sup>. While reserving their sovereign rights in principle, successive British Governments have inclined to the view that they should not be permitted to impede the strengthening of the international legal regime governing Antarctica. Argentina, however, has consistently maintained its sovereign claim, and is not well disposed towards the idea the international jurisdiction established by the Treaty should be strengthened<sup>2</sup>. **The present conflict over the Falklands between Britain and Argentina need not and should not spread to Antarctica, but the possibility that it may cannot be wholly discounted.**

#### Regional resources

5.9 It has been suggested that present Falklands policy offers Britain the opportunity to exploit in the future the marine and hydrocarbon resources of the South Atlantic region<sup>3</sup>. This would involve further exploration of these resources and the establishment of exclusive economic zones (EEZs) of 200 miles around the Falkland Islands, South Georgia and the South Sandwich Islands. This would be consistent with Argentine practice and the drift towards the territorialisation of offshore waters as a whole but it would also involve the consolidation of the present position and the pre-empting of decisions yet to be made about the British response to the United Nations Conference on the Law of the Sea proposals. The question of future resource exploitation also raises the as yet unresolved problem of whether Britain's major interest in the South Atlantic is in the area of the Falkland Islands or to the south in the Dependencies and Antarctica. **Your Committee are of the view that these are separate matters and ought to be kept separate. The introduction of the resource exploitation issue would not aid this process.**

5.10 So far as the resource base is concerned, there is as yet a high degree of uncertainty<sup>4</sup>. A large proportion of krill stocks appear to be located within 200 miles of South Georgia, but demand for this product remains extremely limited, as does British capacity to exploit it<sup>5</sup>. The known population of fin fish in the Southern Ocean is heavily exploited, but it is possible that the use of appropriate

<sup>1</sup>See the Memoranda submitted to Your Committee by Dr P J Beck (Evidence pp 109-115).

<sup>2</sup>Argentina's activity in the Antarctic involves a large number of military personnel and it has gone to great lengths, notwithstanding the Treaty, to perform sovereign acts. The most dramatic of these was the national cabinet meeting held in Antarctica in 1973.

<sup>3</sup>By Lord Shackleton (1982) and many Islanders. It may be relevant to note that the main activities of the parent company of the Falkland Islands Company are in the energy field.

<sup>4</sup>This is also true of Antarctica, so often portrayed as the World's last untapped Eldorado. Firstly, the mineral resources of the mainland, while by no means fully explored, do not appear to be significant in view of the enormous cost that would be involved in their extraction. Similarly, while its offshore resources of oil and gas may well be important, the cost of their extraction (no extant technology is adequate for the prevailing climatic conditions) will be prohibitive at least for the rest of this century and possibly far into the next. Finally, while the seas off Antarctica possess renewable marine resources (above all krill) which are a potentially important source of protein, their processing has yet to be developed on a scale significant for human consumption. See Evidence, pp 100-108.

<sup>5</sup>Q 420.



techniques might reveal larger stocks than at present supposed<sup>1</sup>. Finally, the oil-bearing potential of the economic zone surrounding the Dependencies appears to be unpromising. Though the possibility of hydrocarbon accumulations cannot be ruled out, the limited information presently available suggests that significant finds are not likely<sup>2</sup>. The offshore resource potential of the Falkland Islands themselves raise different uncertainties. Fin fish stocks are large but have not been exploited fully because demand for them has not so far justified the costs involved<sup>3</sup>. Hydrocarbon potential looks to be more significant in the longer-term but the most promising area (to the west and south-west of the Islands) still has to be fully explored<sup>4</sup>. This is unlikely to happen given the present state of world demand.

#### The balance of power in the South Atlantic

5.11 The present situation also threatens the regional balance of power. Historically, the states of the southern part of Latin America (Argentina, Chile, Brazil, Paraguay, Uruguay, Bolivia and Peru) have co-existed uneasily. On several occasions in the last century and this (the War of the Pacific, the War of the Triple Alliance, and the Chaco War) these differences have had prolonged and bloody outcomes. This may prove significant in view of the increased competition for resources. The conflict between states derives in part from the uncertainty of their boundaries. The principle of *uti possidetis* (ie of inheritance from Portugal and Spain) while generally accepted is difficult to apply in practice because the internal frontiers of the Spanish Empire were not always clearly determined. The struggle for the security of these boundaries is motivated by the search for strategic resources which are seen as essential if the area is to escape underdevelopment. Thus, Peru cannot forget the loss of its nitrate fields to Chile, nor Bolivia its sea access; Argentina and Chile remain locked in conflict over the ownership of the Islands of the Beagle Channel in part because they bear upon claims which each makes to Antarctica; and Argentina and Brazil continue to compete for the hydro-electric resources of their frontier regions as well as in other energy fields, especially nuclear power generation.

5.12 These rivalries might seem to offer the hope that the Falkland Islands could establish links with Argentina's neighbours. In this context Chile, Uruguay and Brazil have been mentioned. But this is unlikely to happen. The risk to any of these states of further alienating Argentina far outweighs the benefits likely to accrue to them from any closer association with the Islands or with the UK. Britain's failure so far to establish regular communications with the mainland is hardly surprising.

5.13 A more likely outcome is that the armaments race within the region will be indirectly spurred by the re-armament policy that the Argentine regime is pursuing in order to make good its war losses and forestall any retrenchment of expenditure on arms that may accompany the return of civilian government. Given the erosion of the buffer states of Uruguay, Paraguay and Bolivia in recent years, this poses considerable dangers of conflict for the medium-term future between Chile and Argentina and Brazil. Up to now the fact that conflict between states takes vertical (Argentina-Brazil, Chile-Peru as well as horizontal

<sup>1</sup>Shackleton Report (1982), para 7.4.1.1.

<sup>2</sup>Evidence p 101.

<sup>3</sup>Shackleton Report (1982) para 7.3.1.1.

<sup>4</sup>Evidence pp 100-101.



(Argentina-Chile) forms has to some extent stabilised the regional balance of power by involving cross-cutting alliances. Thus during the Falklands conflict Argentina was supported by Bolivia and Peru, while Brazil followed Chile in a policy of *de facto* non-alignment. Whether this balance of power system can withstand a fresh round of weapons acquisition has yet to be seen<sup>1</sup>.

5.14 It is this inter-American dimension to the dispute which appears to lie behind the reluctance of the USA to become publicly identified with the British position. For the moment the USA appears to have accepted the need for a cooling-off period and has indicated its preference for a peacefully negotiated solution as well as offering its good offices. But the USA has a need to be on good terms with Argentina as well as Britain and to the extent to which the present dispute hinders this objective it can be expected to act as a significant irritant in Anglo-American relations.

## 6. ALTERNATIVE POLICIES

### Introduction

6.1 A large number of suggestions as to how the dispute with Argentina might be resolved and the future of the Islands secured have been received by Your Committee. These ranged from the idea that the Islands might become independent to the proposal that they be fully integrated into the United Kingdom. It is important to recognise that this variety of options is complicated by the fact that their implementation might take different forms (non-negotiated or negotiated, bilateral or multilateral, for example) and that while some are definitive in character, others are interim measures which leave open the nature of any final resolution. Your Committee are of the view that under present circumstances the search for definitive solutions is premature and may well prove counter-productive.

### Bilateral approaches

6.2 Your Committee do not believe that a bilateral solution to the dispute is possible without major changes in the positions of the two parties. However, we are aware that if these were to change, a bilateral approach might prove more expeditious and definitive than any other.

6.3 *Condominium*: The option of condominium does not seem promising. Condominium has been used in the past only in special circumstances (the UK and France in the New Hebrides, for example) where two separate administrations operated side by side. Not only does this arrangement require the goodwill of the contracting parties, but it cannot be applied where a resident population claims that self-determination lies with one of the parties. Quite apart from the practical difficulties of sharing out administrative tasks, Islander opposition to any Argentine presence in their local government is so deeply-rooted as to render it likely to be unworkable in the context of self-determination, however limited.

6.4 However, our attention has been drawn to the possibility that condominium might be relevant in the context of the sovereignty issue but not in respect

<sup>1</sup>The struggle between Brazil and Argentina for regional leadership is implicit though it has become muted in the last year or so. But the conflict between Chile and Argentina over the Islands of the Beagle Channel is dangerously explicit. See the Memorandum submitted to Your Committee by Dr H Blakemore (Appendix 14).



of the administration of the Islands<sup>1</sup>. The extent to which this would be acceptable to either Argentina or to the Islanders cannot be ascertained, but Your Committee believes that it is an approach which merits further investigation.

6.5 It has been suggested that in view of the overlapping sovereign claims of Chile, Argentina and Britain in the area that an agreement on tripartite condominium (or a tripartite shelving of claims) might be sought not only over Antarctica and the Dependencies but over the Falklands themselves. This would be a comprehensive solution in principle and would not run counter to the general policies towards internationalisation which Britain has adopted in respect of the area in recent years. However, quite apart from the technical difficulty that would be involved in apportioning administrative responsibilities, it is not likely to be acceptable either to the Islanders or to Argentina. In the latter instance Chile, which has an effective *modus vivendi* with Argentina in Antarctica (though not in mainland Latin America, or its offshore islands), would probably be unable to accede to it.

6.6 *The Dependencies*: The idea that the Falkland Island Dependencies of South Georgia and the South Shetland Islands might in some way be used to bring about an agreement with Argentina has been mooted at various times<sup>2</sup>. However, their usefulness as a bargaining card does not appear clear. It has been argued by those who believe that the true economic potential of the region lies to the south and in Antarctica that British sovereignty over the Falkland Islands might be traded off for an Argentine recognition of British sovereignty over the Dependencies. The converse possibility has also been raised.

6.7 There are a number of problems with this idea. Firstly, the Argentine claim to the Falklands, their Dependencies and Antarctica is part of a uniform claim and there is no certainty that Argentina would be prepared to forgo parts of it. Moreover, the evidence Your Committee have received as to the relative resource potential of the seas around the Dependencies as opposed to the Falklands proper does not suggest that Britain's future economic interest necessarily lies to the south. Finally, the nature of the British claim to the Dependencies is not only different from the Falklands but appears to be much stronger. **In view of developments in the Antarctic and the increased importance which Governments have attached to these, Your Committee believes that the clear title which Britain has over the Dependencies ought not for the moment to be compromised.**

6.8 *Arbitration*: Although the United Kingdom Government offered to submit the sovereignty dispute over the Falkland Islands Dependencies to the International Court of Justice in 1948 (and made a unilateral application to it in 1955), it has never offered to submit its claim to the Falkland Islands to judicial arbitration. This may not appear to be consistent with the confidence that successive Governments have expressed about the strength of the British case. Should Britain decide to put the case to the Court, it is not likely that Argentina would accept its arbitration (it has consistently rejected the findings of arbiters in the dispute with Chile over the Beagle Channel), but failure to do so would constitute a serious weakening of its case in international forums. In the event that the Court proved unable to adjudicate in this matter, nothing would be lost to either party. If it found for Argentina, Britain would be obliged to offer the Islanders

<sup>1</sup>As applies to Andorra. See Appendix II (UK Falkland Islands Committee and Associates).

<sup>2</sup>See Lord Franks *op cit* paras 60, 61.



adequate recompense but would be seen by world opinion to be serious in its commitment to the peaceful resolution of international disputes. If the Court found for Britain, the military threat might disappear but the Argentine case would have become irrevocably weakened. In view, however, of the unlikelihood of both parties to the dispute simultaneously, and honestly, agreeing in advance to accept the arbitration of the ICJ or any alternative arbitration tribunal, Your Committee do not believe that a British offer to go to legal arbitration would amount to much more than a gesture which would not in practice hasten the resolution of what is, essentially, a political, rather than a legal dispute.

6.9 *Titular sovereignty*: It has been suggested that precedent exists for sovereignty over a disputed territory to belong to one state but not be exercised by it<sup>1</sup>. So far as Argentine civilian politics are concerned, the Islands are primarily a symbolic issue<sup>2</sup> and the possibility exists for the future at least that an agreement could be reached whereby Argentina acquired notional sovereignty but under which the Islands were effectively self-governing and the Islanders retained their British citizenship. This is not likely to be acceptable to many Islanders but it would undoubtedly appeal to many Argentine politicians. It would require an amendment to the Argentine constitution as well as effective guarantees by treaty against non-observance.

6.10 *Leaseback*: The option of leaseback remains the most elegant solution of all, for it combines the principles of British administration with the immediate introduction of the principle of notional Argentine sovereignty. Though rejected by the Islanders' representatives in the past, Your Committee believe that it is still worthy of consideration. The critical issue would be the length of the lease. In evidence to Your Committee, many Islanders said that the idea of leaseback and eventual Argentine rule was wholly unacceptable to them. Others, however, were privately less firm about the principle but insisted that the lease would have to be in terms of generations rather than years: a minimum of 50 years was frequently suggested to us. Whether this would be acceptable to any Argentine Government is as yet unknown.

#### **A multilateral security approach**

6.11 It has been suggested that a fruitful approach might be to couple the future defence and security of the Islands with that of the South Atlantic region as a whole. This would involve a multilateral defence arrangement analogous to if not as institutionalised as NATO. Its membership would include those states in the Western defence community or allied to it with an interest in maintaining the freedom of the seas in time of war and free access to marine resources in time of peace (*viz.* Brazil, Argentina, the USA, South Africa and, in view of its Falkland commitment, the United Kingdom). Such an arrangement would have a number of advantages. In the context of the Falklands it would diminish the financial and political burden of their defence currently borne alone by the UK, if not directly, then at least in the sense that any multilateral agreement would require agreement between the UK and Argentina on their respective regional roles. Moreover, it would provide for the defence of the sea routes around the Cape of Good Hope and Cape Horn, each of which would become strategically critical in the event of the closure of either canal. It would also counter-balance

<sup>1</sup>As in the case of the Aland Islands in the Baltic.

<sup>2</sup>Less so for the military. In reality, however, the Islands offer little or no additional strategic advantages.



the growing Soviet naval capacity in the southern oceans and increased Soviet political influence in both Southern Africa and Latin America. Finally, it would defend the interests of the West in securing access to undersea resources in the region as well as those of Antarctica.

6.12 However, these apparent geopolitical advantages appear to be outweighed by a number of objections, hypothetical as well as practical. Such an arrangement would seriously threaten the legal regime which has successfully governed the Antarctic since 1959. Given the increased interest in recent years in the resource potential of Antarctica on the part of Western, Eastern and Non-Aligned states and that after 1991 the Treaty may have to be renewed a Western military presence would be clearly destabilising. Secondly, it would also threaten hopes that international agreement might emerge under UN auspices for the peaceful exploitation of the world's marine and undersea mineral resources. Moreover, it would be likely to provoke an increased Eastern Bloc naval presence, as has occurred in the Indian Ocean. Until now (with the exception of the marginal Anglo-German conflicts in both World Wars), the region has been relatively free of tension and effectively demilitarised. An increased Western military presence would alter this and possibly bring about the very conflict that it would be designed to prevent. Finally, and most obviously, it would have to involve Argentina which, under present commitments, would not participate in any regional defence agreement involving Britain.

6.13 Moreover, the SATO idea has been promoted on numerous occasions (1966-67, 1969, 1976, 1980-81) but has never got off the ground. This is a reflection on the fact that, for most of the states concerned, its expected advantages are outweighed by consideration of their broader national interests<sup>1</sup>. For the United Kingdom, while participation in such a scheme might help in the immediate context of the Falklands, it would prove costly and would run counter to the entire thrust of post-war defence planning.

#### Good offices and the USA

6.14 It has been suggested that the United States might be able to use its good offices in order to relax the present tension. The USA, it is argued, occupies a unique position as a close ally of the United Kingdom and as a major power in the inter-American system. Its global interests require it to maintain its ties with the UK to better maintain the defence of Europe but also to improve its relations with Argentina in order to maintain the integrity of the Inter-American system in general and that of the threatened region of Central America in particular. The present dispute renders this task more difficult than it would otherwise be. Moreover, the USA has renewed its public stance of neutrality and reaffirmed its commitment to a negotiated settlement. Finally, it has indicated its willingness to become involved not only through its actions as the conflict unfolded, but also for the future. Overall, the national interest of the USA would seem to suggest that the issue of the Falklands is both trivial yet a major irritant and, therefore, that it can and ought to be peacefully and rapidly settled.

6.15 However, the regional obligations which the USA bears to Europe and Latin America are not complementary. In the case of Europe the nexus is

<sup>1</sup>See A Hurrell *The Politics of South Atlantic Security: A Survey of Proposals for a South Atlantic Treaty Organisation*. Unpublished MS, St Antony's College, Oxford.

primarily military; in the case of Latin America it is principally political and only secondarily military. This gives ground for pessimism about the usefulness of any US mediation. Its claim to regional hegemony, for example, requires that it broadly accept that the Americas (within which the Falklands falls under the Rio Treaty definition) possess a territorial integrity in which colonialism has no part to play. This may not be an insuperable issue but it renders the USA vulnerable to the argument that the issue is about territorial contiguity rather than people, and suggests that it is unlikely to be able simultaneously to satisfy its Latin American allies and the inhabitants of the Islands.

6.16 Further, the institutional structure of US foreign policy-making does not inspire confidence that these difficulties can be easily overcome. In the event the decision was made to support the United Kingdom rather than Argentina but this was not reached without discussion. With the immediate crisis over and the need for critical choice lessened, the debates within the USA foreign policy making apparatus are likely to be renewed. But a more serious problem concerns the relationship between the USA and Argentina. Historically this has been combative as the Argentine desire for regional supremacy has collided with the desire of the USA for a continent united politically under its leadership<sup>1</sup>. For most of this century relations between the two have been strained and at times hostile. In this respect, it has been argued that the USA was in some respects at least partly responsible for the war in that elements within the American administration, inadvertently or otherwise, encouraged the junta in its belief that in the event of armed conflict the USA would remain on the sidelines. It is true that after the poor relations of the Carter years, when human rights violations so soured relations, the new Administration under President Reagan were eager win back Argentine friendship. But Your Committee has received no evidence that any encouragement was given to Argentina's apparent belief that US neutrality in the event of war might follow from Argentine participation in the policing of Central America.

6.17 The fact remains that many Argentines feel that they have been badly let down by the USA. Along with the historic rivalry between the two and the likelihood that any civilian government will seek to decouple itself at least to some extent from American attempts to retain continental leadership, this suggests that American good offices alone will not be sufficient to ensure a relaxation of the present tension. However, the idea that American good offices might be indirectly exercised through one or more third parties is not an option which should be dismissed, and it is clear that any settlement of the Falklands dispute will require American compliance and goodwill.

#### Latin American Good Offices

6.18 As indicated above (paras 3.26-3.30), the states of Latin America support the Argentine claim to the Islands and take the view that their continued possession by Britain is unacceptable. Their support for Argentina derives from a shared heritage of language, culture and their common struggle for political

<sup>1</sup>See H F Peterson *Argentina and the United States, 1810-1960* NY (SUNY) 1964. It is a major historical irony that the Inter-American Treaty of Reciprocal Assistance (the Rio Treaty) which Argentina attempted to invoke was signed under American urging and with extreme reluctance by Argentina. Had Argentina been more enthusiastic the USA could have conceivably found itself obliged to come to Argentina's aid.



independence in the last century and independent economic development in this. Like Argentina their own territorial integrity is based upon the principle of *uti possidetis* and, under the Rio Treaty, they too are committed to the principle of the defence of the territorial integrity of Latin America (of which they believe the Falklands to be a part) against external aggression. Nevertheless, as the consultative meetings called under the Rio Treaty in April and May of 1982 indicated, this support for Argentina has limits. Although the UK was denounced as an aggressor, few of the Latin American states were prepared to consider material sanctions or offer significant material aid to Argentina. Those which supported Argentina most strongly (Nicaragua, Panama, Venezuela, Peru and Bolivia) did so because of other rivalries within Latin America<sup>1</sup>. Those who abstained (Colombia, Chile and Trinidad and Tobago) did so for like reasons<sup>2</sup>. In general, Latin American states, given the uncertainty of their own frontiers, are publicly opposed to the use of force in the territorial disputes and the Falklands was felt to be a particularly dangerous precedent.

6.19 Moreover, Britain's relations with Latin America are informed by much the same principles that have applied since the articulation of the Monroe Doctrine: namely, the pursuit of cordial political relations, the better to promote trade. For most Latin American states — short of capital and technology — the costs of an open rupture with Britain are felt to outweigh the benefit of improved relations with Argentina. There is no evidence that the commercial relationship between Britain and Latin America as a whole — itself a matter for concern but not for present purposes — is being damaged to any significant extent by the dispute with Argentina.

6.20 Nevertheless, this does not mean that Britain can count on the good offices of other Latin American states on either a bilateral or multilateral (OAS) basis. Quite apart from their public commitments the relationship between Argentina and her immediate neighbours has in general been poor. No state has expressed any desire to become involved in any direct mediation for fear of further jeopardizing their relationship with Argentina: on the contrary, the more revanchist Argentina becomes, the greater their need to establish harmonious relations. However, most Latin American states would like to see a peaceful settlement and some might be prepared to offer their good offices in an international context. Moreover, it should not be forgotten that OAS members include non-Latin states.

#### Other good offices

6.21 The idea that the good offices of other associations of states — particularly the Commonwealth but also the European Community and the Non-Aligned Movement — might be employed, has also been suggested. The views of the member states of these associations are not only ambiguous but are not held collectively. Your Committee therefore take the view that their good offices are unlikely to be offered or, if they are, are not likely to prove useful in any bilateral sense.

<sup>1</sup>Nicaragua claims territory belonging to Colombia, and Venezuela to the Essequibo region of Guyana while Peru and Bolivia incline to Argentina as a result of their rivalry with Chile.

<sup>2</sup>See the Memoranda submitted by Dr H Blakemore and Dr P Calvert (Appendices 14 and 15).

6.22 The most significant support in principle for Britain's position is to be found within the Commonwealth, most particularly in the Caribbean Commonwealth. This reflects not only historic ties with Britain but also the importance which many Commonwealth states attach to the principles of non-aggression and self-determination. In the case of some this commitment is spurred by the fact that, like the Falklands, they feel threatened by their larger neighbours<sup>1</sup>. However, it should be noted that while the use of force by Argentina was broadly condemned most felt either uncertain about or opposed to the idea that colonialism and self-determination could be in any way compatible. Few of the Commonwealth states appear to believe that Britain's stance is sustainable in the long term and most believe that the problem ought ultimately to be addressed in some international forum. **In practical terms there is no collective Commonwealth view and since its members' leverage over Argentina is slight, there appears to be no scope for the direct application of their good offices.**

6.23 Similar considerations apply to the membership of the EEC. With the exception of Ireland, Italy and Greece, the United Kingdom received substantial support in the war with Argentina from its European partners. However, it ought to be recognised that this support was largely moral and only secondarily material, and was a product of and consequently limited to the immediate crisis. Since then trade (including weapons sales) to Argentina by EEC states has resumed and there appear to be no good reasons for thinking significant support for Britain's present position is likely to be offered in the future. No doubt most would welcome moves towards negotiations but their national interest does not appear to lie in choosing sides.

6.24 The Non-Aligned Movement offers the least likely opportunity for the exercise of good offices. Like the Commonwealth, with which its membership overlaps, it is opposed in principle (if not always in practice) to the settling of international disputes by the use of force. It too would welcome the internationalising in some way of the dispute but there seems little that it can offer in any concrete way. Not only is the Non-Aligned Movement publicly identified closely with the argument that the dispute is about territorial integrity rather than self-determination but it must also take account, at least formally, of the fact that Argentina is a member and that it is likely to become a more active member in the future. It has been suggested that since the Non-Aligned Movement includes in its membership a large number of small states whose territorial integrity is not assured, this offers the opportunity of beginning discussions for an international regime of mini and micro states. Given its relevance to Britain's remaining commitments, this opportunity ought not to be dismissed. **But in view of the lack of progress made in this respect in recent years, Your Committee is not persuaded that it offers any solution to the Falklands problem in the short or medium term.**

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<sup>1</sup>Inevitably, this means they are not amongst the most influential.



### Trusteeship

6.25 The idea that the status of the Islands might somehow be internationalised has been raised with Your Committee on several occasions<sup>1</sup>. This would not only eliminate the source of tension between Britain and Argentina but would contribute towards the internationalisation of the region as a whole. It has been suggested, in particular, that the trusteeship system of the United Nations might be an appropriate means of internationalising the status of the Islands. Though there is no direct precedent for a dependent territory being placed under UN trusteeship, Articles 87 and 88 of the UN Charter provide for it. The idea of direct UN administration, it has been suggested, need not be involved, and Britain could continue to administer the Islands on behalf of the U.N. This would not only give the Islanders the kind of government they want, would enable them to retain British citizenship, and would vitiate Argentina's claim, but would also guarantee their right to self-determination under the Charter<sup>2</sup>.

6.26 The stumbling block to this idea appears to be the provision in Article 79 of the UN Charter that trusteeship is subject to agreement between the states concerned. In terms of the practical politics of the UN, this would have to include Argentina and there is no likelihood of it agreeing to a trusteeship with continued and exclusive British administration. It might be prepared to accept joint administration with Britain but this would be opposed by the Islanders as a first step towards a sell-out. A more constructive approach might be to provide for administration by a third party, either the UN itself or one or more states acting on behalf of the UN. This could be coupled with effective internal self-government, the Falklands then acquiring a status akin to associated statehood, the association, however, being with the UN rather than with any sovereign state. Under such an arrangement, provision could be made for the UK to exercise a veto over any change in the status of the Islands<sup>3</sup>. The acceptability of such a solution to Argentina is not known but, like recourse to international arbitration, a refusal to consider it would carry with it international consequences.

### Other options

6.27 *Integration with the United Kingdom:* a number of further options were suggested to Your Committee, but did not commend themselves to us. It was suggested that the Islands might either be fully integrated within the UK or accorded similar status to the Channel Islands or the Isle of Man. Your Committee are aware that this option would be popular in the Islands but, equally, that such a move would pre-empt for ever any alternative solution. Nor are we convinced that the issue of sovereignty can be suspended. This has been advanced in the past and did not prove acceptable to Argentina and we have received no evidence to suggest that it would be acceptable now.

6.28 *Independence:* The view that the Islands might one day become independent either unilaterally or in combination with other Atlantic Islands was also encountered by Your Committee. It appears to be a minority view and even those who advocated it recognised that in practice it would require either a continued defence commitment by the UK or, alternatively, a regional security system of some sort.

<sup>1</sup>See Evidence, pp 362-5 (Sir Bernard Braine, DL, MP).

<sup>2</sup>*Ibid*, paras 3.7 to 3.11.

<sup>3</sup>See Appendix 13.

6.29 *Abandonment*: The idea of abandoning the Islands was neither put to Your Committee in formal evidence, nor entertained by us. However, the idea of financial recompense implicit in it was raised in respect of other options, and in our private discussions with Islanders we gained the impression that a small minority at least was prepared to entertain the possibility of substantial financial compensation being made available by the United Kingdom Government for the cost of resettlement in the event of a unilateral British decision to abandon the Islands or a bilateral or multilateral agreement about the Islands' future which proved unacceptable to the Islanders individually or collectively. Although we would oppose any policy aimed at the unilateral abandonment of the Islands by the United Kingdom, **Your Committee believe that any other solution which proved unacceptable to individual Islanders should be accompanied by adequate financial compensation for those who wish to move elsewhere.**

#### **The Antarctic option**

6.30 It has been suggested that the principles governing the Antarctic might in some way be applied to the Falkland Islands<sup>1</sup>. Since 1959, it is argued, Antarctica has been demilitarised and its exploitation governed by the principle of peaceful negotiation. In particular, the suspension of sovereign claims (Article IV of the Antarctic Treaty), provision for the shared management of resources (Article IX IF) and demilitarisation (Article I) might be applied to the Falklands, without, however, necessarily extending the Treaty itself to cover the Falklands.

6.31 **However, Your Committee are not persuaded that the Antarctic Treaty provisions can readily be applied to the Falklands.** It is true that while the Treaty does not settle the issue of sovereignty it has effectively suspended it by providing that no acts committed while it is in force should form the basis for any claim to or denial of sovereignty, that no claim should be advanced in the meantime, and that nothing in the Treaty should be interpreted as a renunciation of any prior claim<sup>2</sup>. However, the willingness of the contracting parties to accept this provision owes much to the hostile character of the continent (and the consequent need for co-operation), to the fact that the claims are advanced multilaterally, and to the fact that the continent and the Treaty remain open to new entrants<sup>3</sup>. In particular, unlike the Falklands, Antarctica does not possess a resident population requiring administration: that is, the practical exercise of sovereignty. The idea that sovereign claims to the Falklands might be bilaterally suspended with

<sup>1</sup>See Evidence, p 138.

<sup>2</sup>At present five sovereign claims (those of Britain, France, New Zealand, Australia and Norway) are reciprocally recognised. Argentina and Chile maintain claims which overlap with each other and also that of Britain. Neither the USA nor the USSR have staked any claim to sovereignty and they have refused to acknowledge any other claim, preferring to argue that Antarctica is either *terra nullius* or *terra communis*. This stance should not be seen as magnanimous. Division on the basis of prior historical claim would leave the superpowers with, at best, the least interesting sectors. Each, without publicity, has taken care to establish a wide-ranging presence and, additionally, perform notionally sovereign acts.

<sup>3</sup>It should be noted that the greatest threat to this international regime arises out of the growing interest in the exploitation of mineral resources. Indeed, it was precisely for this reason that the issue of mineral exploitation was omitted from the 1959 Treaty. Precedents for international mining regimes exist and negotiations are presently being conducted amongst the Antarctic powers though agreement remains a long way off. This raises the extent to which access to the wealth of Antarctica ought to be governed by the principles underlying UNCLOS. It is convenient for the present Antarctic powers (who broadly monopolise the technology that would be needed) to maintain the internationalist principles of the Treaty and for regional and would-be regional powers to promote the idea of exclusive economic zones, the better to promote their sovereign interests.



continued British administration would not, Your Committee believes, be acceptable to Argentina. If the demilitarization provision were, additionally, applied it would require the withdrawal of the garrison and would thus expose the Islands to the possibility of a second occupation.

### Conclusions

6.32 Of the various options considered above, it is clear that some can be discounted as politically unacceptable, while others deserve serious consideration as possible means of moving towards a peaceful and lasting resolution of the dispute in the future. In Your Committee's view the legacy of distrust and enmity created by the South Atlantic conflict, and the unpalatable record and character of the Argentine military regime, particularly in the field of human rights<sup>1</sup>, must rule out for the time being any consideration of the transfer of sovereignty over the Falkland Islands to Argentina. Equally, the continuing bellicosity of the present Argentine regime, and of many individual Argentine political and military leaders, renders any immediate withdrawal or substantial reduction of the strength of the British garrison in the Falklands both militarily foolhardy and politically unacceptable in the United Kingdom as well as in the Falklands.

6.33 These conclusions and present considerations should not, however, be allowed to obscure the need for serious consideration to be given to possible arrangements to secure the long-term future at lower financial and diplomatic cost to the United Kingdom. In the light of the war, the possibility of some form of leaseback arrangement has clearly been weakened, but Your Committee were impressed by the evidence we heard in Stanley about the earlier sympathy of many Islanders for consideration of this possibility<sup>2</sup> and believe that a leaseback arrangement should not be discounted by HM Government in future negotiations with Argentina, and probably represents the most promising long-term solution to the dispute, although for such an arrangement to be even remotely acceptable to the Islanders, the timescale for a leaseback arrangement would need to be relatively long, probably extending over the span of several generations of Islanders.

6.34 Alternative solutions which deserve, in Your Committee's view, more detailed consideration by HM Government, include (i) the possibility of some form of international trusteeship, and (ii) a form of condominium or co-sovereignty, involving Argentina and the United Kingdom, and possibly Chile, although the problems involved in creating such an arrangement are undoubtedly formidable.

6.35 Your Committee believe that examination of these options should proceed prior to any negotiations and that consultations about them should be held with other interested and friendly states. In view of Argentina's refusal to formally abandon the possibility of renewed hostilities against the Falklands, however, Your Committee cannot yet recommend the resumption of negotiations with Argentina on the sovereignty issue or any matters relating thereto.

<sup>1</sup>For an eloquent account of the regime's human rights record, see Sir Bernard Braines's supplementary Memorandum to Your Committee (Evidence, pp 372-388).

<sup>2</sup>eg QQ 1536-46 (Mr Patrick Watts).



*Ordered*, That the draft Report (sections 1 to 6) be read a second time, paragraph by paragraph. — (*The Chairman*).

Paragraph 1.1 read.

Paragraph amended, in line 2, by leaving out the words "had increasingly embittered", and inserting the words "has dogged". — (*Mr Robert Banks*).

Paragraph, as amended, agreed to.

Paragraph 1.2 read and agreed to.

Paragraph 1.3 read.

Amendment proposed, in line 1, at the beginning, to insert the words "The Islanders themselves are undoubtedly British." — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.

Mr Robert Banks  
Mr Eldon Griffiths

Noes, 3.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Cyril D Townsend

Another Amendment proposed, in line 3, to leave out the word "problems", and insert the word "questions". — (*Mr Robert Banks*).

Question, That the Amendment be made, put and negatived.

Paragraph amended, in line 3, by leaving from the word "Islands" to the end of the paragraph, and inserting the words "so long as the present impasse continues". — (*Mr Frank Hooley*).

Paragraph, as amended, agreed to.

Paragraph 1.4 read and agreed to.

Paragraph 1.5 read.

Paragraph amended, in line 1, by leaving out from the word "Falklands" to the word "This" in line 5. — (*Mr Eldon Griffiths*).

Paragraph, as amended, agreed to.

Paragraph 1.6 read and agreed to.

Paragraph 1.7 read.

Paragraph amended, in line 9, at the end, by adding the words "We also



received a considerable number of written submissions, including many from Falkland Islands residents, many of which are reproduced as Appendices to the Minutes of Evidence in Volume II of this Report. We are extremely grateful to all those who gave up their time to give evidence to us orally or in writing". — (*Mr Robert Banks*).

Paragraph, as amended, agreed to.

Paragraphs 1.8 to 2.2 read and agreed to.

Paragraph 2.3 read.

Paragraph amended, in line 2, by leaving out the words "according to British accounts". — (*Mr Robert Banks*).

Paragraph, as amended, agreed to.

Paragraph, as amended, agreed to.

Paragraph 2.4 read.

Paragraph amended, in line 3, by leaving out the word "accounts" and inserting the word "claims". — (*Mr Frank Hooley*).

Another Amendment proposed, in line 4, after the word "withdraw", to insert the words "Divided by civil war and impoverished, Argentina lacked the means and the power to challenge the British occupation and could only protest." — (*Mr Frank Hooley*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.

Mr Dennis Canavan

Mr George Foulkes

Mr Frank Hooley

Noes, 4.

Mr Robert Banks

Mr Eldon Griffiths

Mr Nigel Spearing

Mr Cyril D Townsend

Paragraph further amended, in line 7, after the word "small", by inserting the word "British". — (*Mr Eldon Griffiths*).

Paragraph, as amended, agreed to.

Paragraph 2.5 read and agreed to.

Paragraph 2.6 read.

Paragraph amended, in line 3, by leaving out the words "relatively short-lived". — (*Mr Eldon Griffiths*).

Paragraph further amended, in line 9, by leaving out the words "implicitly or". — (*Mr Eldon Griffiths*).

Paragraph, as amended, agreed to.

Paragraph 2.7 read.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 5.

Mr Robert Banks

Mr Dennis Canavan

Mr Frank Hooley

Mr Nigel Spearing

Mr Cyril D Townsend

Noes, 1.

Mr Eldon Griffiths

Paragraphs 2.8 to 2.12 read and agreed to.

Paragraph 2.13 read.

Paragraph amended, in line 2, by leaving out the words "critically on their", and inserting the words "in part but by no means wholly on an" — (*Mr Eldon Griffiths*).

Paragraph further amended, in line 4, by leaving out the words "significance of" and inserting the words "significance which may be attached to" — (*Mr Eldon Griffiths*).

Paragraph, as amended, disagreed to.

Paragraph 2.14 read and agreed to.

Motion made, to leave out paragraphs 2.15 to 2.20 and insert the following paragraph:

"2.15 Your Committee have reached the following conclusions in respect of Argentine and British claims to the Falkland Islands prior to the Argentine invasion in April 1982:

- (i) that the weight of the evidence argues in favour of the view that Argentina's title to the Falkland Islands (or, at least, to East Falkland) was, at the time of the British occupation in 1833, of greater substance than is or has been credited by official United Kingdom Government sources;
- (ii) that assertions about the legality of the British occupation of the whole of East Falkland and West Falkland in 1833 are certain to persist, although Britain's title to West Falkland, which had not subsequently been occupied by Spain or Argentina after the abandonment of the Port Egmont settlement in 1774, seems to be secure;
- (iii) that Argentine silence in respect of the British claim during much of the second half of the nineteenth century weakens Argentina's case that she



has never given *de facto* recognition to Britain's title to the Falkland Islands;

- (iv) that at the time of Britain's occupation of the Islands in 1833, her title to sovereignty over East (but not West) Falkland was in doubt;
- (v) that Britain's acquisition of the whole of the Falkland Islands could not in 1833 have been an illegal act by the standards of the day: it was simply an act of colonisation similar to hundreds of such acts which occurred throughout the nineteenth century;
- (vi) that Britain's title to the Islands on the basis of acquisitive prescription following the occupation of 1833 may have gained greater validity in view of Argentina's failure to protest during most of the period between 1849 and 1908." — (*Mr Frank Hooley*).

Motion made, and Question put, That the proposed paragraph be read a second time.

The Committee divided.

Ayes, 4.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Noes, 2.  
Mr Robert Banks  
Mr Cyril D Townsend

Amendment proposed to the proposed paragraph, in line 16, after the word "Islands", to insert the words "and could well have been construed as acquiescence in British sovereignty". — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1.  
Mr Eldon Griffiths

Noes, 4.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Another Amendment proposed to the proposed paragraph, in line 18, to leave out the words "(but not West)" — (*Mr Dennis Canavan*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1.  
Mr Dennis Canavan

Noes, 5.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend

Another Amendment proposed to the proposed paragraph, in line 18, to leave

out the words "in doubt" and insert the words "a matter of contention". — (*Mr Eldon Griffiths*).

Question, That the Amendment be made, put and negatived.

Another Amendment proposed to the proposed paragraph, in line 20, to leave out the words "an illegal act", and insert the words "regarded as in any way contrary to international law". — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1.  
Mr Eldon Griffiths

Noes, 6.  
Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend

Another Amendment proposed to the proposed paragraph, in line 20, to leave out from the word "act" to the end of line 22. — (*Mr Cyril D Townsend*).

Question, That the Amendment be made, put and negatived.

Another Amendment proposed to the proposed paragraph, to leave out subparagraph (vi) and insert the words:

"(vi) that for all practical purposes Britain's title to the Islands on the basis of acquisitive prescription following the occupation of 1833 became a matter of established international fact, particularly since Argentina failed to protest about it during much of the period between 1849 and 1908." — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1.  
Mr Eldon Griffiths

Noes, 5.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend

Another Amendment proposed to the proposed paragraph, in line 24, to leave out the words "may have". — (*Mr Robert Banks*).

Question put, That the Amendment be made.



The Committee divided.

Ayes, 3.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Cyril D Townsend

Noes, 4.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Another Amendment proposed to the proposed paragraph, in line 24, to leave out the word "validity", and insert the word "recognition". — (*Mr Dennis Canavan*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.  
Mr Dennis Canavan  
Mr George Foulkes

Noes, 5.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend

Another Amendment proposed to the proposed paragraph, at the end to add the words:

"(vii) that Argentina's claim to the Falkland Islands is at least as strong as that of the United Kingdom." — (*Mr Dennis Canavan*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley

Noes, 4.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Nigel Spearing  
Mr Cyril D Townsend

Question put, That the paragraph be inserted in the Report.

The Committee divided.

Ayes, 4.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Noes, 3.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Cyril D Townsend

Paragraph accordingly inserted.

Paragraph 2.15 read and disagreed to.

Paragraph 2.16 read.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 1.  
Mr Robert Banks

Noes, 5.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths  
Mr Frank Hooley  
Mr Nigel Spearing

Paragraph 2.17 read.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 2.  
Mr Robert Banks  
Mr Eldon Griffiths

Noes, 4.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Paragraph 2.18 read.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 2.  
Mr Robert Banks  
Mr Eldon Griffiths

Noes, 4.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

*Ordered*, That further consideration of the draft Report be now adjourned. —  
(Mr Nigel Spearing).

The Committee deliberated.

[Adjourned till Wednesday 4 May at 10 am.]



WEDNESDAY 4 MAY 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Sir Anthony Grant  
Mr Eldon Griffiths  
Mr Frank Hooley

Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

The Committee deliberated.

The Committee, according to Order, resumed the adjourned consideration of the Chairman's draft Report (A Policy for the Falkland Islands) (sections 1 to 6).

Paragraphs 2.19 and 2.20 read and disagreed to.

Paragraph 2.21 read.

Amendment proposed, in line 1, to leave out from the beginning to the end of the paragraph, and insert the words:

"We emphasise, however, that these conclusions relate to the claims of sovereignty as they would have appeared *at the time*, do not take into account events after 1883, and are not the conclusions of Your Committee as regards title. The notable reluctance of either party to take their case to or agree to abide by the rulings of the International Court is illustrative of the difficulties inherent in a judicial solution. Indeed it is possible that the Court would rule that the case is not justiciable and that the only possible way of reaching a conclusion is by some form of political or international agreement. Respect must be accorded to the uninterrupted British occupation since 1833 up to the time of the Argentine invasion, and the acceptance that, irrespective of the arguments about the legality of Britain's actions in 1833, sovereignty over the Islands has been acquired by time, settlement and administrative continuity and the allegiance of the people to the British Crown." — (*Mr Nigel Spearing*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Michael Welsh

Noes, 6.  
Mr Robert Banks  
Mr Dennis Canavan  
Sir Anthony Grant  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Another Amendment proposed, in line 1, to leave out from the beginning to the end of the paragraph, and insert the words:

"To sum up, Your Committee did not find it easy to reach any clearcut conclusions on all the conflicting historical and legal arguments adduced on behalf of both Argentine and United Kingdom claims to the Falkland Islands. Whichever arguments are regarded as the stronger, there are bound to remain doubts about them; moreover, neither party to the dispute appears to be totally convinced of the certainty of its case or to believe that it would assuredly succeed if it were to be referred to the International Court of Justice. That said, Your Committee believe that we have a duty to the House to offer our best judgement both of the legal and historical merits of the respective claims and of the political realities of the situation. That judgement is as follows:

*First:* there are no good grounds for doubting the legality of the United Kingdom's claims;

*Second:* Argentina will continue to contest this, and its claims are by no means empty of historical validity;

*Third:* the United Kingdom's case overall is the stronger.

The United Kingdom's case succeeds, in Your Committee's view, for the following reasons:

- (i) because of Britain's occupation of part of West Falkland in the eighteenth century;
- (ii) because, following 1833, when British forces formally re-occupied the Islands, Argentina failed for several generations to persist in its claims to the Islands, and, to that extent, can be regarded for all practical purposes as having acquiesced in the United Kingdom's belief that the Islands were British sovereign territory;
- (iii) because, since the same date, British settlers, and virtually no others, have lived and worked in the Islands, believing that their territory was and would remain British;
- (iv) because the British people in the Falklands have never wavered in their allegiance to the British crown, and no other, while consistently rejecting suggestions, from whatever quarter, that they should transfer that allegiance elsewhere; and
- (v) because successive British Governments have continued to administer the Falklands as British sovereign territory for well over a hundred years and, until the 1920s, no other country, including Argentina, has formally made any but the most casual attempt to challenge this". — (*Mr Eldon Griffiths*).

Question put, That the amendment be made.



The Committee divided.

Ayes, 2.

Sir Anthony Grant  
Mr Eldon Griffiths

Noes, 7.

Mr Robert Banks  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

Another Amendment proposed, in line 1, to leave out from the beginning to the end of the paragraph, and insert the words:

"Irrespective of any interpretation derived from the foregoing conclusions, Your Committee believe that the arguments for Argentine sovereignty are both conflicting and complex. Allowing for the finely balanced historical record, it must be assumed that no international court, body or arbitrator could reach a conclusive decision on this matter, let alone impose such a decision on either party. Respect must be accorded to the uninterrupted British occupation since 1833 up to the time of the Argentine invasion, and the acceptance that irrespective of the arguments about the legality of Britain's actions in 1833, sovereignty over the Islands has been acquired by time, settlement and administrative continuity and the allegiance of the people to the British Crown." — (*Mr Robert Banks*).

Question proposed, That the Amendment be made.

Proposed Amendment amended, in line 4, by leaving out the words "must be assumed" and inserting the words "could be". — (*Mr Nigel Spearing*).

Question put, That the Amendment, as amended, be made.

The Committee divided.

Ayes, 6.

Mr Robert Banks  
Sir Anthony Grant  
Mr Eldon Griffiths  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing

Noes, 3.

Mr Dennis Canavan  
Mr Cyril D Townsend  
Mr Michael Welsh

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 6.

Mr Robert Banks  
Sir Anthony Grant  
Mr Eldon Griffiths  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing

Noes, 2.

Mr Dennis Canavan  
Mr Michael Welsh

Paragraph 2.22 read.

Paragraph amended, in line 1, by leaving out the first word "the" and inserting the word "any". — (*Mr Eldon Griffiths*).

Another Amendment proposed, in line 2, to leave out from the word "Falklands" to the words "United Kingdom" in line 4, and insert the words "a crucial, if not the crucial factor is the identity of the Falkland Islanders themselves. Successive United Kingdom Governments have asserted that the". — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5.

Mr Robert Banks  
Sir Anthony Grant  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 4.

Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Michael Welsh

Another Amendment proposed, in line 6, to leave out the words "The terminology employed by British Ministers has not always been consistent, and". — (*Mr Robert Banks*).

Question proposed, That the Amendment be made: — Amendment, by leave, withdrawn.

Paragraph further amended, in line 7, by leaving out the words "and the" and inserting the words. "If it were interpreted to mean that the Islanders have a "veto" over United Kingdom policy and actions, any". — (*Mr Eldon Griffiths*).

Paragraph further amended, in line 8, after the word "could", by inserting the word "well". — (*Mr Eldon Griffiths*).

Paragraph, as amended, agreed to.

Paragraph 2.23 read.

Amendment proposed, in line 1, to leave out the words "on the wishes and interests of the Falkland Islanders", and insert the words "that the wishes and interests of the Falkland Islanders are paramount." — (*Mr Robert Banks*).

Question put, That the Amendment be made: — Amendment, by leave withdrawn.

Paragraph amended, in line 3, by leaving out the word "paramountcy" and inserting the word "paramount". — (*Mr Frank Hooley*).

Paragraph further amended, in line 5, by leaving out the word "language" and inserting the words "wording of Article 73". — (*Mr Robert Banks*).

Paragraph, as amended, agreed to.



Paragraph 2.24 read.

Amendment proposed, in line 6, to leave out from the word "people" to the word "Indeed" in line 18. — (*Mr Robert Banks*).

Question, That the Amendment be made, put and negatived.

Paragraph amended, in line 18, by leaving out the word "views" and inserting the word "interests". — (*Mr Frank Hooley*).

Paragraph, as amended, agreed to.

Paragraph 2.25 read.

Amendment proposed, in line 1, to leave out the words "lend considerable weight to", and insert the words "us to underpin". — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 6.

Mr Robert Banks  
Sir Anthony Grant  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 3.

Mr Dennis Canavan  
Mr Frank Hooley  
Mr Michael Welsh

Paragraph, as amended, agreed to.

Paragraph 2.26 read and agreed to.

Paragraph 2.27 read.

Amendment proposed, in line 12, to leave out the word "also", and insert the word "wholly". — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5.

Mr Robert Banks  
Sir Anthony Grant  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D. Townsend

Noes, 4.

Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Michael Welsh

Another Amendment proposed, in line 13, at the end to add the words "However, the wishes of the Islanders cannot be considered to be absolutely paramount". — (*Mr Dennis Canavan*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.

Mr Dennis Canavan

Mr Frank Hooley

Mr Michael Welsh

Noes, 4.

Mr Robert Banks

Mr Eldon Griffiths

Mr Jim Lester

Mr Cyril D Townsend

Paragraph, as amended, agreed to.

Paragraph 3.1 read.

Paragraph amended, in line 13, by leaving out from the word "party" to the end of the paragraph. — (*Mr Frank Hooley*).

Paragraph, as amended, agreed to.

Paragraph 3.2 read

Paragraph amended, in line 1, by leaving out from the word "Accordingly" to the word "in" in line 3, and inserting the words "it is the political acceptability of the legal arguments". — (*Mr. Frank Hooley*).

Paragraph, as amended, agreed to.

Paragraph 3.3 read.

Paragraph amended, in line 7, by leaving out from the word "Government" to the end of the paragraph, and inserting a footnote to the same effect as the words left out. — (*Mr Eldon Griffiths*).

Paragraph, as amended, agreed to.

Paragraph 3.4 read.

Paragraph amended, in line 3, by leaving out the word "dominant" and inserting the word "major". — (*Mr Robert Banks*).

Paragraph further amended, in line 4, by leaving out the word "critical" and inserting the word "dominant". — (*Mr Robert Banks*).

Paragraph, as amended, agreed to.

Paragraph 3.5 read.

Paragraph amended, in line 7, by leaving out the word "outright" and inserting the word "consistent". — (*Mr Eldon Griffiths*).

Paragraph, as amended, agreed to.



Paragraph 3.6 read.

Paragraph amended, in line 1, by leaving out the words "Under pressure from Argentina and at the United Nations", and inserting the words "Following the adoption of the United Nations Resolution,". — (*Mr Robert Banks*).

Paragraph, as amended, agreed to.

Paragraph 3.7 read.

Paragraph amended, in line 4, by leaving out the words "so-called". — (*Mr Robert Banks*).

Paragraph further amended, in line 6, by leaving out from the word "Argentina" to the word "the" in line 7, and inserting the words "and the waiving of the Argentine claim of a right to conscript Falklanders for military service". — (*Mr Robert Banks*).

Paragraph, as amended, agreed to.

Paragraph 3.8 read and agreed to.

Paragraph 3.9 read.

Paragraph amended, in line 14, by leaving out the words "and betrayal". — (*Mr Eldon Griffiths*).

Another Amendment proposed, in line 14, to leave out the words "made so early on", and insert the words "offered by officials at this early stage". — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made: — Amendment, by leave, withdrawn.

Another Amendment proposed, in line 17, to leave out from the word "in" to the end of the paragraph and insert the words: "response to views expressed in the House of Commons, successive British Governments proved unwilling and unable to override the wishes of the Falkland Islanders. It is, perhaps, unfortunate that the Foreign Office failed accurately to assess Island opinion before giving Argentina the impression that Britain would concede the single most important point at issue between the two countries". — (*Mr Eldon Griffiths*).

Question, That the Amendment be made, put and negatived.

Paragraph further amended, in line 19, by leaving out the words "apparently intransigent" and inserting the word "inflexible". — (*Mr Frank Hooley*).

Paragraph further amended, in line 19, by leaving out the the last sentence of the paragraph, and adding the words "it is regrettable that the British Govern-

ment did not put all the issues fairly and squarely before the Islanders, prior to entering into negotiations". — (*Mr Frank Hooley*).

Paragraph, as amended, agreed to.

Paragraph 3.10 read.

Paragraph amended, in line 6, by leaving out from the word "not" to the word "there" in line 7, and inserting the words "in every respect have reflected the views of all the Falklands people during the 1970s". — (*Mr Eldon Griffiths*).

Paragraph further amended, in line 16, by leaving out from the word "recognised" to the end of the paragraph. — (*Mr Eldon Griffiths*).

Paragraph, as amended, agreed to.

Paragraph 3.11 read.

Paragraph amended, in line 3, by leaving out the words "but had not yet become militarily engaged". — (*Mr Frank Hooley*).

Paragraph further amended, in line 6, by leaving out the last sentence of the paragraph and adding the words "Argentina rejected these proposals, and the United Kingdom and Argentina had ceased negotiations by the end of May 1982. Subsequent efforts at mediation were abandoned by the Secretary General of the United Nations early in June 1982". — (*Mr Frank Hooley*).

Paragraph, as amended, agreed to.

Paragraph 3.12 read.

Amendment proposed, in line 2, to leave out from the word "Falklands" to the word "there" in line 7, and insert the words: "Irrespective of the arguments about the relative legal and historic claims of the United Kingdom and Argentina,". — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4.

Mr Robert Banks

Sir Anthony Grant

Mr Eldon Griffiths

Mr Jim Lester

Noes, 5.

Mr Dennis Canavan

Mr Frank Hooley

Mr Nigel Spearing

Mr Cyril D Townsend

Mr Michael Welsh

Another Amendment proposed, in line 2, to leave out from the word "Falklands" to the word "there" in line 3. — (*Mr Robert Banks*).

Question put, That the Amendment be made.



The Committee divided.

Ayes, 5.  
Mr Robert Banks  
Sir Anthony Grant  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 4.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Michael Welsh

Paragraph further amended, in line 9, by leaving out the words "however justified". — (*Mr Robert Banks*).

Another Amendment proposed, in line 15, to leave out from the word "disputes" to the end of line 17. — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 6.  
Mr Robert Banks  
Sir Anthony Grant  
Mr Eldon Griffiths  
Mr Frank Hooley  
Mr Cyril D Townsend  
Mr Michael Welsh

Noes, 2.  
Mr Dennis Canavan  
Mr Nigel Spearing

Another Amendment proposed, in line 19, to leave out from the word "law" to the end of the paragraph. — (*Mr Frank Hooley*).

Question proposed, That the Amendment be made: — Debate arising;

*Ordered*, That the Debate be now adjourned. — (*The Chairman*).

Draft Report to be further considered on Monday 9 May.

The Committee deliberated.

[Adjourned till Monday 9 May at 4.15 pm.]

MONDAY 9 MAY 1983

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Eldon Griffiths

Mr Frank Hooley  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

The Committee deliberated.

The Committee, according to Order, resumed the adjourned consideration of the Chairman's draft Report (A Policy for the Falkland Islands) (sections 1 to 6).

Motion made, and Question put, That the Committee agree to consider further sections 3 and 6 of the draft Report with a view to coming to a conclusion before the Dissolution of Parliament and publishing sections 1, 2, 3 and 6 as the Report of the Committee to the House. — (*Mr George Foulkes*).

The Committee divided.

Ayes, 4.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Noes, 5.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Cyril D Townsend

Motion made, and Question put, That the Committee do appoint a drafting Sub-Committee to prepare a revised draft Report for submission to the Committee on Wednesday 11 May at 10 am. — (*Mr Nigel Spearing*).

The Committee divided.

Ayes, 4.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Noes, 5.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Cyril D Townsend

Motion made, and Question put, That further consideration of the Chairman's draft Report (A Policy for the Falkland Islands) be now adjourned. — (*The Chairman*).

The Committee divided.

Ayes, 3.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence

Noes, 5.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend

Paragraph 3.12 again read.

Another Amendment proposed, in line 19, to leave out from the word "law" to the end of the paragraph.

Question again proposed, That the Amendment be made.

Question put.



The Committee divided.

Ayes, 4.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Noes, 5.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Cyril D Townsend

Another Amendment proposed, in line 19, to leave out from the words "international law" to the end of the paragraph, and insert the words "Until Argentina completely renounces the use of force, any claims she may have to the Islands cannot be seriously considered". — (*Mr Eldon Griffiths*).

Question, That the Amendment be made, put and negatived.

Another Amendment proposed, in line 19, to leave out from the words "international law" to the end of the paragraph, and insert the words "The rejection of the use of force by Argentina would be an important element in the process of any future negotiations." — (*Mr Jim Lester*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 7.

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 2.

Mr Eldon Griffiths  
Mr Ivan Lawrence

Another Amendment proposed, after the words last inserted, to add the words "Your Committee note that Argentina both sponsored and voted for UN General Assembly Resolution 37/9 of 6 November 1982, which took account of the existence of 'a *de facto* cessation of hostilities in the South Atlantic and the expressed intention of the parties not to renew them'." — (*Mr Frank Hooley*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 6.

Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing

Noes, 3.

Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Cyril D Townsend

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 7.  
Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 2.  
Mr Eldon Griffiths  
Mr Ivan Lawrence

Paragraph 3.13 read.

Paragraph amended, in line 1, by leaving out from the beginning to the word "calling" in line 4, and inserting the words "In the wake of the invasion of the Falklands the United Nations Security Council passed Resolution 502," — (*Mr Eldon Griffiths*).

Paragraph further amended, in line 5, by leaving out the word "but" and inserting the word "and". — (*Mr Eldon Griffiths*).

Another Amendment proposed, in line 7, to leave out the words "the widespread". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.  
Mr Robert Banks  
Mr Eldon Griffiths

Noes, 6.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 7.  
Mr Robert Banks  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 1.  
Mr Eldon Griffiths

Paragraph 3.14 read.

Paragraph amended, in line 2, by leaving out from the word "and" to the first



word "the" in line 5, and inserting the words "the failure of the UN Secretary General, Sr Perez de Cuellar, to achieve progress on the implementation of Resolution 502, British forces began the re-occupation of the Islands. Meanwhile,". — (*Mr Eldon Griffiths*).

Another Amendment proposed, in line 7, to leave out from the word "Resolution" to the end of line 11. — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence

Noes, 5.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Jim Lester  
Mr Cyril D Townsend

Paragraph further amended, in line 9, by leaving out from the word "troops" to the end of line 11. — (*Mr Eldon Griffiths*).

Another Amendment proposed, in line 15, to leave out from the word "abstaining" to the end of the paragraph. — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 4.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Paragraph, as amended, agreed to.

Paragraph 3.15 read.

Amendment proposed, in line 1, to leave out from the beginning to the word "These" in line 10, and insert the words: "Britain's re-occupation of the Falklands was widely acknowledged to have strengthened the rule of law in international affairs. It was an illustration that, in accordance with the United Nations Charter, the use of force to resolve disputes could successfully be resisted. Many countries, and those in the Latin American bloc in particular, were nevertheless anxious to avoid Argentina's military collapse resulting in an equally humiliating diplomatic defeat and diplomatic isolation. This became clear during the summer and autumn of 1982 when moves were made in the General Assembly for the resumption of negotiations between Britain and Argentina". — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 4.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Paragraph further amended, in line 12, after the word "including", by inserting the word "impressive". — (*Mr Robert Banks*).

Paragraph further amended, in line 13, after the word "and", by inserting the words "statements from". — (*Mr Robert Banks*).

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 6.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 3.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley

Paragraphs 3.16 and 3.17 read and agreed to.

Paragraph 3.18 read.

Paragraph amended, in line 1, by leaving out the words "in Your Committee's view, been widely misinterpreted as a diplomatic defeat", and inserting the words "been regarded as a diplomatic reverse". — (*Mr Frank Hooley*).

Paragraph further amended, in line 4, by leaving out the words "seemed to be regarded by", and inserting the words "was seen by". — (*Mr Frank Hooley*).

Another Amendment proposed, in line 6, to leave out from the word "campaign" to the end of the paragraph. — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 2.

Mr Dennis Canavan  
Mr George Foulkes

Paragraph, as amended, agreed to.



Paragraph 3.19 read.

Paragraph amended, in line 1, by leaving out from the beginning to the word "Although" in line 6. — (*Mr Eldon Griffiths*).

Paragraph further amended, in line 7, by leaving out the words "was a considerable diplomatic success for", and inserting the words "gave some comfort to". — (*Mr Frank Hooley*).

Paragraph further amended, in line 12, by leaving out from the word "them" to the end of the paragraph. — (*Mr Frank Hooley*).

Paragraph, as amended, agreed to.

Paragraphs 3.18 and 3.19 combined.

Paragraph 3.20 read.

Amendment proposed, in line 8, to leave out from the word "Atlantic" to the end of the paragraph.

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley

Noes, 6.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Paragraph agreed to.

Paragraph 3.21 read.

Paragraph amended, in line 6, by leaving out the words "it was only a matter of time before Britain would be compelled", and inserting the words "in time it would be in Britain's interests". — (*Mr Robert Banks*).

Another Amendment proposed, in line 9, to leave out the word "marginal" and insert the word "limited". — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 2.  
Mr Dennis Canavan  
Mr Frank Hooley

Paragraph further amended, in line 13, by leaving out the word "progress" and inserting the words "a start". — (*Mr Robert Banks*).

Another Amendment proposed, in line 13, to leave out the words "not-too-distant", and insert the word "near". — (*Mr Frank Hooley*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 6.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 3.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence

Paragraph, as amended, agreed to.

Paragraph 3.22 read and agreed to.

Paragraph 3.23 read.

Paragraph amended, in line 2, by leaving out the words ", from whatever bloc,". — (*Mr Robert Banks*).

Paragraph further amended, in line 3, after the word "claims", by inserting the words ", though some were hazy about the historical background to the claims of both sides". — (*Mr Robert Banks*).

Another Amendment proposed, in line 3, to leave out the words "disbelief in" and insert the words "hesitancy about". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Nigel Spearing

Noes, 2.  
Mr Dennis Canavan  
Mr George Foulkes

Another Amendment proposed, in line 7, to leave out the words "in the end



favour the Argentine cause", and insert the words "lead to negotiations". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 6.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 2.

Mr Dennis Canavan  
Mr George Foulkes

Paragraph, as amended, agreed to.

Paragraphs 3.24 to 3.26 read and agreed to.

Paragraph 3.27 read.

Paragraph amended, in line 5, by leaving out the words "on occasions". — (*Mr Robert Banks*).

Paragraph further amended, in line 6, by leaving out from the word "interpretations" to the word "to" in line 7, and inserting the words "Few of the representatives we met appeared". — (*Mr Robert Banks*).

Another Amendment proposed, in line 8, to leave out the words "at least the interests and opinions", and insert the words "the interests and wishes". — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Cyril D Townsend

Noes, 5.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing

Paragraph, as amended, agreed to.

Paragraph 3.28 read and agreed to.

Paragraph 3.29 read.

Paragraph amended, in line 8, by leaving out the last sentence of the paragraph and adding the words "So long as the United Kingdom does not turn its back on negotiations, this attitude at the United Nations will give the United Kingdom

room for manoeuvre, but this does not mean that we have unlimited time before we resume serious negotiations, whether bilateral or within a wider framework". — (*Mr Frank Hooley*).

Another Amendment proposed, after the words last added, to add the words, "However, the United Kingdom cannot afford to ignore the expressed wish of the United Nations that a peaceful negotiated settlement be found as soon as possible. We therefore recommend that negotiations between the Governments of the United Kingdom and Argentina be re-opened as soon as possible, without preconditions on either side". — (*Mr Dennis Canavan*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.  
Mr Dennis Canavan  
Mr George Foulkes

Noes, 4.  
Mr Robert Banks  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Paragraph, as amended, agreed to.

Paragraph 3.30 read.

Amendment proposed, in line 1, to leave out the words "entirely reasonable", and insert the word "essential". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1.  
Mr Robert Banks

Noes, 6.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Another Amendment proposed, in line 8, to leave out the last sentence of the paragraph. — (*Mr Dennis Canavan*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley

Noes, 4.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D. Townsend

Another Amendment proposed, in line 10, at the end to add the words "How-



ever, any undue delay in starting negotiations might increase the risk of another outbreak of hostilities". — (*Mr. Dennis Canavan.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.  
Mr Dennis Canavan  
Mr Frank Hooley

Noes, 5.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 4.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Nigel Spearing

Noes, 4.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Cyril D Townsend

Whereupon the Chairman declared himself with the Ayes.

Paragraph 3.31 read.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 5.  
Mr George Foulkes  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 2.  
Mr Robert Banks  
Mr Frank Hooley

Motion made, and Question put, That consideration of sections 4 and 5 of the Chairman's draft Report be postponed. — (*Mr George Foulkes.*)

The Committee divided.

Ayes, 3.  
Mr Dennis Canavan  
Mr George Foulkes  
Mr Nigel Spearing

Noes, 4.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Paragraph 4.1 read.

Paragraph amended, in line 13, by leaving out from the word "June" to the end of the paragraph and inserting the words "The United Kingdom therefore feels obliged to maintain a defence force in the Islands, even though they are thousands of miles from the NATO defence area." — (*Mr Frank Hooley*).

Paragraph, as amended, agreed to.

Paragraph 4.2 read.

Paragraph amended, in line 2, by leaving out from the word "situation" to the second word "with" in line 3, and inserting the words "complicates its diplomatic relations". — (*Mr Robert Banks*).

Paragraph further amended, in line 4, by leaving out the word "her", and inserting the word "Argentina's". — (*Mr Robert Banks*).

Paragraph further amended, in line 5, by leaving out the word "world", and inserting the word "United Nations". — (*Mr Eldon Griffiths*).

Paragraph further amended, in line 6, by leaving out the words "United Nations". — (*Mr Eldon Griffiths*).

Paragraph further amended, in line 7, by leaving out the word "resumed". — (*Mr Robert Banks*).

Paragraph further amended, in line 9, by leaving out from the word "made" to the word "route" in line 10, and inserting the words "to seek a political". — (*Mr Eldon Griffiths*).

Paragraph further amended, in line 11, after the word "relations", by inserting the words "the more so since Argentina has formally accepted the good offices of the Secretary General of the United Nations". — (*Mr Frank Hooley*).

Paragraph further amended, in line 11, by leaving out the word "Equally". — (*Mr Eldon Griffiths*).

Paragraph, as amended, agreed to.

Paragraph 4.3 read.

Paragraph amended, in line 5, by leaving out the word "normal". — (*Mr Eldon Griffiths*).

Paragraph, as amended, agreed to.

Paragraph 4.4 read and agreed to.

Paragraph 4.5 read.

Question put, That the paragraph stand part of the Report.



The Committee divided.

Ayes, 4.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 4.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Whereupon the Chairman declared himself with the Ayes.

Paragraph 4.6 read.

Amendment proposed, in line 1, to leave out from the beginning to the word "Clearly" in line 6. — (*Mr Frank Hooley*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing

Noes, 4.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Whereupon the Chairman declared himself with the Ayes.

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 7.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Frank Hooley  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 1.

Mr. Dennis Canavan

Paragraph 4.7 read.

Paragraph amended, in line 2, after the word "Islands", by inserting the words "in the long-term." — (*Mr Robert Banks*).

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 6.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 3.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence

Paragraph 4.8 read.

Paragraph amended, in line 2, by leaving out the words "not trivial" and inserting the words "very substantial". — (*Mr Dennis Canavan*).

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 5.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 4.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester

*Ordered*, That further consideration of the Chairman's draft Report be now adjourned. — (*The Chairman*).

Motion made, and Question put, That the Chairman's draft Report (A Policy for the Falkland Islands) be further considered on Tuesday 10 May at 10 am and at 4.15 pm. — (*Mr Frank Hooley*).

The Committee divided.

Ayes, 5.

Mr Dennis Canavan  
Mr George Foulkes  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 4.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester

[Adjourned till Tuesday 10 May at 10 am.]

TUESDAY 10 MAY 1983

[MORNING SITTING]

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr Eldon Griffiths  
Mr Frank Hooley

Mr Ivan Lawrence  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh



The Committee deliberated.

The Committee, according to Order, resumed the adjourned consideration of the Chairman's draft Report (A Policy for the Falkland Islands) (sections 1 to 6).

Paragraphs 4.9 to 4.17 read agreed to.

Paragraph 4.18 read.

Amendment proposed, in line 9, to leave out from the word "Argentina" to the end of the paragraph, and insert the words: "This may appear to be overshadowed by the losses incurred in the war, although even the wives and parents of some of the men who died have expressed hopes for a permanent peaceful settlement. The shortcomings of the present policy will rapidly become apparent". — (*Mr Frank Hooley*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.

Mr Dennis Canavan  
Mr Frank Hooley

Noes, 1.

Mr. Cyril D Townsend

Paragraph, as amended, agreed to.

Paragraph 4.19 read.

Amendment proposed, in line 16, at the end to add the words "This is causing legitimate concern in view of the increased capability which it gives to Argentina to re-arm". — (*Mr Dennis Canavan*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.

Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing

Noes, 1.

Mr Cyril D Townsend

Paragraph, as amended, agreed to.

Paragraph 4.20 read.

Paragraph amended, in line 4, by leaving out from the word "muted" to the end of the paragraph, and inserting the words "It is unlikely that a formal initiative will be forthcoming from Argentina, but we note that she has accepted the good offices of the United Nations Secretary General". — (*Mr Dennis Canavan*).

Paragraph, as amended, agreed to.

Paragraphs 4.21 and 4.22 read and agreed to.

Paragraph 4.23 read.

Paragraph amended, in line 8, by leaving out the word "Most", and inserting the word "Many". — (*Mr Dennis Canavan*).

Paragraph, as amended, agreed to.

Paragraph 4.24 read.

Amendment proposed, in line 7, to leave out from the word "position" to the word "Nonetheless" in line 9, and insert the words "There were widespread misgivings about the possibility of a change of government policy in Britain". — (*Mr Frank Hooley*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing

Noes, 1.  
Mr Cyril D Townsend

Paragraph further amended, in line 11, by leaving out the word "All", and inserting the word "Some". — (*Mr Dennis Canavan*).

Paragraph, as amended, agreed to.

Paragraphs 4.25 to 5.1 read and agreed to.

Paragraph 5.2 read.

Amendment proposed, in line 4, to leave out from the word "Committee" to the word "It" in line 6, and insert the words "conclude that any claim which Argentina may have on these territories is weaker than the Argentine claim to the Falkland Islands themselves". — (*Mr Dennis Canavan*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1.  
Mr Dennis Canavan

Noes, 2.  
Mr Nigel Spearing  
Mr Cyril D Townsend

Paragraph amended, in line 5, by leaving out the words "serious or valid claim", and inserting the words "valid claim in law". — (*Mr Nigel Spearing*).

Paragraph, as amended, agreed to.



Paragraphs 5.3 to 5.14 read and agreed to.

Paragraph 6.1 read.

Amendment proposed, in line 9, to leave out the last sentence of the paragraph, and insert the words "**Your Committee are of the view that the opening of formal negotiations at this stage might prove counter-productive, but we believe that informal discussions amongst interested parties ought not to be unduly delayed**". — (*Mr Frank Hooley*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4.  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

Noes, 1.  
Mr Dennis Canavan

Paragraph, as amended, agreed to.

Paragraph 6.2 read and disagreed to.

Paragraph 6.3 read.

Amendment proposed, in line 1, after the word "seem", to insert the word "very". — (*Mr Dennis Canavan*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.  
Mr Dennis Canavan  
Mr Nigel Spearing  
Mr Michael Welsh

Noes, 2.  
Mr Frank Hooley  
Mr Cyril D Townsend

Paragraph further amended, in line 5, by leaving out the words "it cannot be applied", and inserting the words "it would be extremely difficult to apply". — (*Mr Frank Hooley*).

Paragraph, as amended, agreed to.

Paragraphs 6.4 and 6.5 read and disagreed to.

Paragraph 6.6 read and agreed to.

Paragraph 6.7 read.

Amendment proposed, in line 1, to leave out from the beginning to the end of the paragraph and insert the words: "The Argentine claim to the Falklands

and their Dependencies is part of a uniform claim and there is no evidence that Argentina would be prepared to forgo parts of it. The nature of the United Kingdom claim to the Dependencies is not only different from the claim to the Falklands but appears to be stronger. **Your Committee see no merit in the proposition that there should be some kind of trade-off between the Falklands and their Dependencies**". — (*Mr Frank Hooley*).

Question proposed, That the Amendment be made:— Amendment, by leave, withdrawn.

Another Amendment proposed, in line 8, to leave out the last sentence of the paragraph. — (*Mr Dennis Canavan*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Michael Welsh

Noes, 2.  
Mr Nigel Spearing  
Mr Cyril D Townsend

Paragraph, as amended, agreed to.

Paragraph 6.8 read and agreed to.

Paragraph 6.9 read.

Paragraph amended, in line 10, at the end, by adding the words "It would probably also require the stationing for an indefinite period of a British military garrison. **Your Committee do not recommend this alternative**". — (*Mr Frank Hooley*).

Paragraph, as amended, disagreed to.

Paragraph 6.10 read.

Amendment proposed, in line 1, to leave out from the word "*Leaseback*:" to the end of line 5, and insert the words "The Islanders' representatives have rejected this solution in the past". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1.  
Mr Robert Banks

Noes, 5.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

Another Amendment proposed, in line 1, to leave out the words "the most



elegant solution", and insert the words "one of the most feasible propositions". — (Mr Dennis Canavan).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.  
Mr Dennis Canavan  
Mr Michael Welsh

Noes, 2  
Mr Robert Banks  
Mr Nigel Spearing

Whereupon the Chairman declared himself with the Noes.

Paragraph amended, in line 2, by leaving out from the word "combines" to the word "Though" in line 3, and inserting the words "the continuation of British administration with the immediate introduction of *de jure* Argentine sovereignty". — (Mr Frank Hooley).

Paragraph further amended, in line 9, by leaving out the words "a minimum of 50 years was frequently suggested to us". — (Mr Dennis Canavan).

Paragraph further amended, in line 10, by leaving out the last sentence of the paragraph and adding the words "The timespan of a leaseback arrangement would clearly be a matter for negotiation". — (Mr Frank Hooley).

Another Amendment proposed, after the words last added, to add the words "Your Committee recommend that this alternative be given consideration". — (Mr Frank Hooley).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

Noes, 2.  
Mr Robert Banks  
Mr Ivan Lawrence

Another Amendment proposed, after the words last added, to add the words "Your Committee have to point out, however, that the circumstances which could have made leaseback a possible solution have now changed, particularly as a result of the Argentine invasion and events which took place during that period." — (Mr Nigel Spearing).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3.

Mr Robert Banks

Mr Ivan Lawrence

Mr Nigel Spearing

Noes, 4.

Mr Dennis Canavan

Mr Frank Hooley

Mr Cyril D Townsend

Mr Michael Welsh

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 3.

Mr Dennis Canavan

Mr Frank Hooley

Mr Michael Welsh

Noes, 4.

Mr Robert Banks

Mr Eldon Griffiths

Mr Ivan Lawrence

Mr Cyril D Townsend

A paragraph brought up, and read the first time, as follows:

"6.10 The option of leaseback combines the continuation of British administration with the immediate introduction of *de jure* Argentine sovereignty. Though rejected by the Islanders' representatives in the past, Your Committee believe that it is still worthy of consideration. The critical issue would be the length of time of the lease. In evidence to Your Committee, many Islanders said that the idea of leaseback and eventual Argentine rule was wholly unacceptable to them. Others, however, were privately less firm about the principle but insisted that the lease would have to be in terms of generations rather than years: a minimum of 50 years was frequently suggested to us. The timespan of a leaseback arrangement would clearly be a matter for negotiation. **Your Committee recommend that this alternative be given consideration**". — (Mr Frank Hooley).

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 3.

Mr Dennis Canavan

Mr Frank Hooley

Mr Michael Welsh

Noes, 5.

Mr Robert Banks

Mr Eldon Griffiths

Mr Ivan Lawrence

Mr Nigel Spearing

Mr Cyril D Townsend

Another paragraph brought up, and read the first time, as follows:

"The option of leaseback was considered by HMG in the past but, encountering opposition in the Islands Legislative Council, was not raised formally with Argentina. While it may have contributed to a settlement had it been



introduced at that time, Your Committee are aware that the Argentine invasion and the events of the war have changed attitudes. We are not sanguine about the acceptability of leaseback either to the Islanders or Argentina. Nor are we clear as to the time scale that might be discussed. Nevertheless, Your Committee believe that it is a possibility which ought to be considered." — (*Mr Cyril D Townsend*).

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 5.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend  
Mr Michael Welsh

Noes, 3.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence

Motion made, and Question put, That further consideration of the Chairman's draft Report be adjourned for ten minutes. — (*Mr Eldon Griffiths*).

The Committee divided.

Ayes, 4.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Cyril D Townsend

Noes, 4.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Michael Welsh

Whereupon the Chairman declared himself with the Ayes.

The Committee deliberated.

The Committee, according to Order, resumed the adjourned consideration of the Chairman's draft report (A Policy for the Falkland Islands) (sections 1 to 6).

*Ordered*, That further consideration of the Chairman's draft Report be now adjourned. — (*The Chairman*).

Report to be further considered this day at 4.15 pm.

The Committee deliberated.

[Adjourned till Tuesday 10 May at 4.15 pm.]

TUESDAY 10 MAY 1983

[AFTERNOON SITTING]

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Banks  
Mr Dennis Canavan  
Mr Eldon Griffiths  
Mr Frank Hooley

Mr Ivan Lawrence  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

The Committee deliberated.

The Committee, according to Order, resumed the adjourned consideration of the Chairman's draft Report (A Policy for the Falkland Islands) (sections 1 to 6).

New paragraph, proposed by Mr Cyril D Townsend, again read, as follows:

"The option of leaseback was considered by HMG in the past but, encountering opposition in the Islands Legislative Council, was not raised formally with Argentina. While it may have contributed to a settlement had it been introduced at that time, Your Committee are aware that the Argentine invasion and the events of the war have changed attitudes. We are not sanguine about the acceptability of leaseback either to the Islanders or Argentina. Nor are we clear as to the time scale that might be discussed. Nevertheless, Your Committee believe that it is a possibility which ought to be considered."

Amendment proposed to the proposed paragraph, in line 1, to leave out from the beginning to the end of the paragraph, and insert the words:

"The Islanders' representatives rejected this idea in the past. In evidence to Your Committee, many Islanders said that the previous idea of leaseback and eventual Argentine rule was wholly unacceptable to them. Others explained that when the idea of leaseback was discussed in the Islands, they held favourable views but insisted then that the lease would have to be in the region of 100 years. In view of the Argentine invasion and the treatment of the Islanders, Your Committee do not believe that a transfer of sovereignty to Argentina under a leaseback arrangement is now feasible". —  
(Mr Robert Banks).

Question, That the Amendment be made, put and negatived.

Another Amendment proposed to the proposed paragraph, in line 1, to leave out from the word "leaseback" to the end of the paragraph, and insert the words:

"was considered by HMG in the past. Its putative advantages are that it would combine British administration for the time being with a transfer to Argentina of *de jure* sovereignty. When such a solution was tentatively put forward by HMG in the past, it encountered strong opposition among the Islanders' population and in its Legislative Council which rejected it unanimously. Exchanges in the House of Commons also revealed that there



would be prolonged and quite possibly insuperable resistance to the idea of leaseback among all parties in the United Kingdom. Recognising this, the Government made no efforts to raise the issue formally with Argentina. For all practical purposes, leaseback was dropped.

"Since then, the Argentine invasion, the oppression of the Falklands people during the occupation and the expenditure of the British armed forces of much blood and treasure in recovering the Islands has made the transfer of sovereignty to Argentina that would be implicit in any form of leaseback even more palpably unacceptable to the Falklands people. Your Committee are therefore not convinced of the merits of putting it forward as a serious proposition at this stage. Any consideration of leaseback would, in any event, require some kind of time-limit to be set to the duration of British administration if Argentina were to be expected to take it seriously. On this point Your Committee were told in the Falklands that the minimum period that would stand any chance of winning any significant support at all among the Islanders would need to be set in terms not of years but of decades". — (*Mr Eldon Griffiths*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.

Mr Robert Banks

Mr Eldon Griffiths

Noes, 5.

Mr Dennis Canavan

Mr Frank Hooley

Mr Jim Lester

Mr Nigel Spearing

Mr Cyril D Townsend

Proposed paragraph amended, in line 1, by leaving out the words "was considered" and inserting the words "has been proposed". — (*Mr Robert Banks*).

Proposed paragraph further amended, in line 3, by leaving out from the word "Argentina" to the word "Your" in line 4. — (*Mr Robert Banks*).

Another Amendment proposed to the proposed paragraph, in line 5, to leave out the words "We are not sanguine about the acceptability of leaseback", and insert the words "Your Committee do not believe that any new proposals for leaseback would be acceptable". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.

Mr Robert Banks

Mr Eldon Griffiths

Noes, 5.

Mr Dennis Canavan

Mr Frank Hooley

Mr Jim Lester

Mr Nigel Spearing

Mr Cyril D Townsend

Another Amendment proposed to the proposed paragraph, in line 9, to leave

out the words "to be considered", and insert the words "not to be dismissed". — (Mr Eldon Griffiths).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 3.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing

Question put, That the proposed paragraph, as amended, be inserted.

The Committee divided.

Ayes, 5.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Noes, 2.  
Mr Robert Banks  
Mr Eldon Griffiths

Paragraph accordingly inserted.

Paragraph 6.11 read.

Amendment proposed, in line 3, to leave out the words "analogous to if not as institutionalised as NATO". — (Mr Robert Banks).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester

Noes, 3.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing

Whereupon the Chairman declared himself with the Ayes.

Another Amendment proposed, in line 7, after the word "Argentina", to insert the words "Chile, Uruguay". — (Mr Robert Banks).

Question put, That the Amendment be made.



The Committee divided.

Ayes, 2.

Mr Robert Banks  
Mr Eldon Griffiths

Noes, 4.

Mr Dennis Canavan  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Another Amendment proposed, in line 7, to leave out from the word "peace" to the word "Such" in line 8. — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 2.

Mr Dennis Canavan  
Mr Frank Hooley

Another Amendment proposed, in line 8, to leave out from the word "Kingdom)." to the end of the paragraph, and add the words:

"In the view of Your Committee, it is out of the question for the United Kingdom to contemplate any form of security or defence arrangements with regimes such as those at present in power in South Africa or Argentina. NATO is now based firmly on an alliance of democratic states (with one unfortunate exception) and the suggested South Atlantic alliance would be in no way comparable. Moreover, Your Committee see no advantage in the UK extending its defence commitments outside the NATO area over the enormous expanse of the South Atlantic". — (*Mr Frank Hooley*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3.

Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing

Noes, 4.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Another Amendment proposed, in line 10, to leave out from "UK" to the word "it" in line 13. — (*Mr Robert Banks*).

Question proposed, That the Amendment be made: — Amendment, by leave, withdrawn.

Paragraph further amended, in line 15, by leaving out the word "also". — (*Mr Robert Banks*).

Another Amendment proposed, in line 17, after the word "America", to insert

the words "and it would guarantee the territorial integrity of the participating countries in the area". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 3.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing

Paragraph, as amended, agreed to.

Paragraph 6.12 read.

Amendment proposed, in line 1, to leave out from the beginning to the word "the" in line 3, and insert the words "Such an arrangement, some argue, might be an impediment to". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1.  
Mr Robert Banks

Noes, 5.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing  
Mr Cyril D Townsend

Another Amendment proposed, in line 7, to leave out from the word "presence" to the word "threaten" in line 8, and insert the words "might be a complicating factor. Secondly, it could". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.  
Mr Robert Banks  
Mr Jim Lester

Noes, 4.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing  
Mr Cyril D Townsend

Paragraph amended, in line 10, by leaving out from the word "resources" to the word "Until" in line 11. — (*Mr Robert Banks*).

Another Amendment proposed, in line 14, to leave out from the word "this" to the end of the paragraph. — (*Mr Robert Banks*).



Question, That the Amendment be made, put and negatived.

Paragraph, as amended, agreed to.

Paragraph 6.13 read.

Paragraph amended, in line 1, by leaving out the word "Moreover". — (*Mr Robert Banks*).

Another Amendment proposed, in line 4, to leave out from the word "interests" to the end of the paragraph, and add the words: "Nevertheless Your Committee conclude that the suggestion of a multilateral defence arrangement should be explored". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.

Mr Robert Banks  
Mr Eldon Griffiths

Noes, 4.

Mr Dennis Canavan  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing

Paragraph further amended, in line 7, by leaving out the words "entire thrust of post-war", and inserting the words "main thrust of contemporary". — (*Mr Eldon Griffiths*).

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 4.

Mr Dennis Canavan  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing

Noes, 2.

Mr Robert Banks  
Mr Eldon Griffiths

Paragraph 6.14 read.

Amendment proposed, in line 7, to leave out from the word "particular" to the word "the" in line 9. — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4.

Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 3.

Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing

Paragraph further amended, in line 13, by leaving out from the word "Falk-

lands" to the word "can" in line 14, and inserting the word "both". — (*Mr Jim Lester*).

Paragraph, as amended, agreed to.

Paragraph 6.15 read.

Paragraph amended, in line 1, by leaving out the word "However,". — (*Mr Robert Banks*).

Paragraph further amended, in line 3, by leaving out the words "primarily military", and inserting the words "military and political". — (*Mr Robert Banks*).

Another Amendment proposed, in line 3, to leave out the words "and only secondarily military", and insert the words "and strategic". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.  
Mr Robert Banks  
Mr Eldon Griffiths

Noes, 4.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing

Another Amendment proposed, in line 5, to leave out from the word "mediation" to the word "vulnerable" in line 8, and insert the words "The USA is". — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.  
Mr Robert Banks  
Mr Eldon Griffiths

Noes, 4.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing

Paragraph, as amended, agreed to.

Paragraph 6.16 read.

Paragraph amended, in line 1, by leaving out from the beginning to the word "In" in line 2. — (*Mr Robert Banks*).

Another Amendment proposed, in line 2, to leave out from the word "overcome" to the word "has" in line 7, and insert the words "The relationship between the USA and Argentina historically". — (*Mr. Robert Banks*).



Question, That the Amendment be made, put and negatived.

Paragraph further amended, in line 14, after the word "otherwise", by inserting the words "may have". — (*Mr Robert Banks*).

Paragraph, as amended, agreed to.

Paragraph 6.17 read.

Paragraph amended, in line 1, by leaving out from the beginning to the word "that" in line 4, and inserting the words "Your Committee believe". — (*Mr Robert Banks*).

Paragraph further amended, in line 8, by leaving out from the word "that" to the end of the paragraph, and adding the words "American support and goodwill would help to find a settlement of the Falklands dispute". — (*Mr Dennis Canavan*).

Paragraph, as amended, agreed to.

Paragraph 6.18 read.

Amendment proposed, in line 2, to leave out from the word "Islands" to the word "Their" in line 3. — (*Mr Robert Banks*).

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2.  
Mr Robert Banks  
Mr Eldon Griffiths

Noes, 4.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Jim Lester  
Mr Nigel Spearing

Another Amendment proposed, in line 4, after the word "common", to insert the words "anti-imperialist". — (*Mr Dennis Canavan*).

The Committee divided.

Ayes, 3.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing

Noes, 4.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Jim Lester  
Mr Cyril D Townsend

Motion made, and Question put, That further consideration of the Chairman's draft Report be now adjourned. — (*Mr Cyril D Townsend*).

The Committee divided.

Ayes, 5.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Cyril D Townsend

Noes, 3.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing

Motion made, and Question put, That the Committee do report to the House so much of the Chairman's draft Report (A Policy for the Falkland Islands) as has so far been agreed to. — (*Mr Nigel Spearing*).

The Committee divided.

Ayes, 3.  
Mr Dennis Canavan  
Mr Frank Hooley  
Mr Nigel Spearing

Noes, 5.  
Mr Robert Banks  
Mr Eldon Griffiths  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Cyril D Townsend

The Committee deliberated.

Draft Special Report (Falkland Islands Inquiry), proposed by the Chairman, brought up, read the first and second time, and agreed to.

*Resolved*, That this be the Second Special Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That the Chairman do report to the House certain Appendices to the Minutes of Evidence taken before the Committee between 10 November 1982 and 21 February 1983. — (*The Chairman*).

Motion made, and Question put, that consideration of the Chairman's draft Report be now resumed. — (*Mr Dennis Canavan*).

The Committee divided.

Ayes, 1.  
Mr Dennis Canavan

Noes, 4.  
Mr Robert Banks  
Mr Ivan Lawrence  
Mr Jim Lester  
Mr Cyril D Townsend

*Resolved*, That this Committee records its thanks to the staff and Advisers who have assisted it throughout the present Parliament. — (*Mr Robert Banks*).

*Ordered*, That this Committee records its appreciation of the skill and patience



displayed by the Chairman throughout the present Parliament. — (*Mr Nigel Spearing*).

*Ordered*, That certain Memoranda submitted to the Committee and the Overseas Development Sub-Committee in connection with uncompleted inquiries, and not so far reported to the House, be now reported to the House, and that those Memoranda relating to the Foreign and Commonwealth Office (Non-Aid) Estimates for 1982-83 and 1983-84 be printed, subject to the leave of the House. — (*The Chairman*).

[The Committee adjourned.]







